

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON LABOR

May 2008

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STAFF:

CAROLYN RUSSO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
123RD LEGISLATURE
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Labor

each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

Enacted Law Summary

Public Law 2007, chapter 519 allows an employee to take family medical leave for a sibling with a serious health condition or who dies while on active military duty if the sibling and the employee are jointly responsible for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

LD 2146 An Act To Improve the Codification of Retirement Plans Administered by the Maine Public Employees Retirement System PUBLIC 491

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP	

Public Law 2007, chapter 58 changed the name of the Maine State Retirement System to "Maine Public Employees Retirement System" to better reflect the broad range of groups that the system serves. This bill implements the effect of the name change.

Enacted Law Summary

Public Law 2007, chapter 491 implements the effect of the name change by clarifying how the various retirement plans and other programs administered by the Maine Public Employees Retirement System are referenced in the system's governing statutes.

LD 2150 An Act To Clarify Retirement Programs for Participating Local Districts PUBLIC 490 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP	

This bill makes consistent the standards for optional retirement system membership for employees of participating local districts that also have Social Security or another Internal Revenue Service-qualified plan. It eliminates the once per year option for a local district to join the Maine system. These changes are proposed in anticipation of school district consolidation and other local and regional consolidation efforts and to promote choice of retirement plans for employers and employees.

Enacted Law Summary

Public Law 2007, chapter 490 makes consistent the standards for optional retirement system membership for employees of participating local districts that also have Social Security or another Internal Revenue Service-qualified plan. It eliminates the once per year option for a local district to join the Maine system.

Public Law 2007, chapter 490 was enacted as an emergency measure effective March 7, 2008.

LD 2177 An Act To Correct the Law Regarding Portability of Pension Benefits for Law Enforcement Officers and Firefighters PUBLIC 542

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-464

Joint Standing Committee on Labor

This bill implements the intent of PL 2005, chapter 636, Part B. It allows law enforcement officers and firefighters to carry service credit and compensation from a prior retirement plan to a new retirement plan within the Maine Public Employees Retirement System as long as they pay the additional cost of doing so.

Committee Amendment "A" (S-464)

This amendment makes clear that employer contributions are transferred to the new retirement plan when a law enforcement officer or firefighter elects to pay for portability of service and compensation under this bill.

Enacted Law Summary

Public Law 2007, chapter 542 allows law enforcement officers and firefighters to carry service credit and compensation, including employer's contributions, from a prior retirement plan to a new retirement plan within the Maine Public Employees Retirement System as long as the law enforcement officers and firefighters elect to pay for the portability of service and compensation.

LD 2205 An Act To Further Clarify Worker Payments for Clothing and Equipment

PUBLIC 524

Sponsor(s)

SMITH N

Committee Report

OTP

Amendments Adopted

This bill prohibits an employer from charging an employee for uniforms, personal protective equipment and other tools of the trade. This bill clarifies that shirts and other items with a company logo are uniforms. It allows an employer to deduct the cost of cleaning and maintenance of a uniform upon written agreement with the employee. The bill also corrects a conflict created when Public Law 2007, chapter 357 and Public Law 2007, chapter 415 both substantively affected the same provision of law.

Enacted Law Summary

Public Law 2007, chapter 524 prohibits an employer from charging an employee for uniforms, personal protective equipment and other tools of the trade. It clarifies that shirts and other items with a company logo are uniforms. It allows an employer to deduct the cost of cleaning and maintenance of a uniform upon written agreement with the employee.

LD 2273 Resolve, To Temporarily Suspend the Rate-setting Procedures for the Forest Products Industry

RESOLVE 189
EMERGENCY

Sponsor(s)

JACKSON

Committee Report

Amendments Adopted

S-492 MARTIN

This resolve provides for the immediate suspension until June 1, 2009 of the requirements of the Maine Revised Statutes, Title 26, chapter 18, which regulates rates of compensation for forest products harvesting and hauling services, except for the section of that chapter that allows harvesters or haulers to form an association for rate determination proceedings. The suspension may be lifted by the Governor prior to June 1, 2009 if the Legislature is not in session.

This resolve also requires the Department of the Attorney General to conduct a study of the statewide market for forest products harvesting and hauling services and to submit legislation implementing the department's recommendations. The final report must be submitted by January 15, 2009.

Senate Amendment "A" (S-492)