

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

May 2008

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

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

## 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)

# Joint Standing Committee on Labor

This amendment changes the reference to the committee of jurisdiction and clarifies that certain records obtained by the Department of the Attorney General in conducting its study may be kept confidential pursuant to law.

## Enacted Law Summary

Resolve 2007, chapter 189 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.

Resolve 2007, chapter 189 was enacted as an emergency measure effective April 8, 2008.

## LD 2285 An Act To Implement the Recommendations of a Task Force Convened To Evaluate and Recommend Revisions Regarding the Statutory Definition of "Service Dog"

PUBLIC 664

### Sponsor(s)

### Committee Report

### Amendments Adopted

OTP-AM MAJ  
ONTP MIN

H-943  
S-598 STRIMLING

This bill implements the recommendations of the task force convened by the Commissioner of Labor to evaluate and recommend, among other things, revisions to the definition of "service dog" pursuant to Resolve 2007, chapter 96.

The bill defines "service animal" as animals determined necessary for individuals with both physical and mental disabilities. The bill replaces the current statutory terms "guide dog," "trained dog" and "personal care dog" with the new term "service animal" or "service dog."

The bill clarifies the procedures and criteria for licensing a service dog with a municipality.

The bill amends the Maine Human Rights Act by adding language protecting the use of service animals in housing and in public. It also increases the maximum fine for misrepresentation of a service animal from \$100 to \$500.

### Committee Amendment "A" (H-943)

This amendment clarifies the definition of "service animal" by stating it "must be necessary to mitigate the effects of a physical or mental disability" as determined by a medical professional or is an animal "individually trained to do work or perform tasks for the benefit of an individual with a physical or mental disability."

It further amends the bill by striking out references to the mentally disabled in sections of the Maine Revised Statutes, Title 17, chapter 47, subchapter 2.

### Senate Amendment "A" (S-598)

This amendment retains reference to the mentally disabled in sections of the Maine Revised Statutes, Title 17, chapter 47, subchapter 2.

## Enacted Law Summary

Public Law 2007, chapter 664 defines "service animal" as any animal determined necessary to mitigate the effects of a physical or mental disability or as any animal trained to do work for individuals with physical or mental