

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

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# STATE OF MAINE

124<sup>TH</sup> 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 First Regular Session of the 124<sup>th</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:

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

## *Joint Standing Committee on Labor*

**LD 26**      **An Act To Allow the Spouse of a Retired Public Employee a Second Chance To Be Enrolled under the Retiree's Insurance Plan**      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB BOWMAN	ONTP	

This bill allows a retiree covered by the state group health insurance plan to enroll a spouse for coverage under that plan if the spouse changes jobs or retires.

The Committee considered amending the bill to reflect the sponsor's intent to allow retired teachers covered by the retired teachers' health insurance plan to enroll a spouse or dependent for coverage upon retirement and to allow a one-time change of election to enroll a spouse if the spouse has a life changing event. State employees already have this option.

**LD 27**      **An Act To Amend the Definition of Employment for Purposes of Unemployment Compensation**      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	ONTP	

Under current law, an employment relationship exists and unemployment insurance coverage is required unless all three parts of the so-called "ABC test" can be demonstrated. This bill limits application of the ABC test to situations in which the individual has performed services for a total of no less than 16 hours.

The sponsor withdrew the bill because a Governor's Task Force on Employee Misclassification has been established to look at the issue.

**LD 64**      **An Act To Amend the Requirements for the Livable Wage Report**      **PUBLIC 11**

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

This bill changes the timing of the calculation and reporting of the livable wage from annual to biennial. The change is being made because some of the data needed for the calculation is not available in time for an annual calculation. The bill also changes the yearly schedule so that the Department of Labor has 5 months to report the information instead of only one month.

**Enacted Law Summary**

Public Law 2009, chapter 11 changes the timing of the calculation and reporting of the livable wage from annual to biennial. The calculation is made using seven expense categories (food; housing; telephone; health care; transportation; child care; and household goods, clothing, and personal care). Child care rates are only published

## *Joint Standing Committee on Labor*

biennially in the "Maine Child Care Workforce Climate Report & Market Analysis." The law also changes the yearly schedule so that the Department of Labor has 5 months to report the information instead of only one month.

**LD 65      An Act To Increase the Ability of the Maine Wage Assurance Fund To  
Pay Unpaid Workers**

**PUBLIC 25**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-16

This bill increases the amount that may be held in the Maine Wage Assurance Fund from \$100,000 to \$200,000.

**Committee Amendment "A" (S-16)**

This amendment adds an appropriations and allocations section to the bill.

**Enacted Law Summary**

Public Law 2009, chapter 25 increases the amount that may be held in the Maine Wage Assurance Fund from \$100,000 to \$200,000. The increase will not raise the employment tax, but will ensure that workers get paid up to two weeks of unpaid wages when a business closes with no assets.

**LD 83      An Act To Increase the Percentage of Retired Teachers' Health  
Insurance Paid by the State**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-17

This bill increases the State's contribution for health insurance for retired teachers from 45% to 50% beginning January 1, 2010.

**Committee Amendment "A" (S-17)**

This amendment adds an appropriations and allocations section to the bill.

**LD 84      An Act To Ensure Fair Pay**

**PUBLIC 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-18

This bill protects employees from employer discrimination when employees inquire about, disclose, compare or otherwise discuss employee wages.

**Committee Amendment "A" (S-18)**