

# 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**

July 2009

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## 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.

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logging equipment for any temporary alien worker, not just nonagricultural temporary laborers.

Public Law 2009, chapter 201 was enacted as an emergency measure effective May 26, 2009.

**LD 176      An Act To Equitably Adjust the Workers' Compensation Board's Assessment      PUBLIC 109**

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

This bill requires the Workers' Compensation Board to use collections that exceed the maximum assessment by more than 10% to reduce the assessment on insured employers.

**Enacted Law Summary**

Public Law 2009, chapter 109 requires the Workers' Compensation Board to use collections that exceed the maximum assessment by more than 10% to reduce the assessment on insured employers.

**LD 192      An Act To Index the State Minimum Wage to Inflation      Carried Over**

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

This bill provides for the state minimum hourly wage to be adjusted for inflation beginning January 1, 2010 and annually thereafter. The bill requires the Department of Labor to calculate the inflation-adjusted minimum hourly wage based on changes in the consumer price index and to exclude from the calculation any month in which the State's unemployment rate exceeds the national unemployment rate.

This bill is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 292      An Act To Restore Equity to the Maine Public Employees Retirement System      ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ DAMON	ONTP MAJ OTP-AM MIN	

The Maine Public Employees Retirement System currently contains 2 separate benefit structures based upon the status of participants on July 1, 1993. Part A of this bill:

1. Reduces the early retirement reduction factor from 6% to 3% for employees who were already employed in a position that is covered under the State Employee and Teacher Retirement Program, the Legislative Retirement Program or the Judicial Retirement Program on July 1, 1993, and only those employees who do not have the option

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to retire at 55 years of age under a special plan;

2. Allows the Board of Trustees of the Maine Public Employees Retirement System to reduce the payment in fiscal year 2008-09 toward the unfunded actuarial liability of the state employee and teacher retirement program and, if such a reduction is made, to apply the balance of the amount appropriated for that purpose to fund the past service liabilities created by the benefits provided under the bill, the increase in normal cost in fiscal year 2009-10 associated with the benefits provided under the bill and any increased unfunded liability payments required in fiscal year 2009-10 resulting from the reduced unfunded liability contribution in fiscal year 2008-09; and

3. Provides that the substantive changes to the Maine Public Employees Retirement System accomplished by this legislation take effect only if the Board of Trustees of the Maine Public Employees Retirement System determines that the reduction in the required unfunded liability payment in fiscal year 2008-09 is consistent with sound actuarial practice.

Part B of this bill directs the Maine Public Employees Retirement System, the Commissioner of Administrative and Financial Services and the State Employee Health Commission, within their existing resources, to design a unified pension and benefit plan to apply to all state employees and teachers that are first hired after December 31, 2010. It authorizes submission of the proposed unified pension and benefit plan, together with proposed implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters no later than December 10, 2009 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature. Under this unified pension and benefit plan:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to the plan will be covered under Social Security;

2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;

3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;

4. The present actuarial cost of retiree benefits under the plan will be limited to 6% of payroll to be divided equally between the employee and the employer;

5. Continuing health coverage will be offered to retirees and their dependents;

6. A retired member may receive a subsidy of up to 90% of the cost for the retiree's own health insurance and up to 45% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;

7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;

8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation times years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and

9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5 times of the member's own contribution plus 6% interest if benefits are withdrawn as cash.

### **Committee Amendment "A" (H-237)**

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This is the minority report of the Joint Standing Committee on Labor. This amendment incorporates a fiscal note.

**LD 373      An Act To Facilitate Lactation at the Workplace by New Mothers**

**PUBLIC 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INNES	OTP-AM	H-83

This bill requires break time for nursing mothers in the workplace and requires an employer to provide a sanitary space, which must be close to the work area and may not be a bathroom, for nursing mothers to express milk in privacy.

**Committee Amendment "A" (H-83)**

This amendment clarifies that an employer, including the State, shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy. The time used may be unpaid break time or paid break time or meal time at the discretion of the employer.

**Enacted Law Summary**

Public Law 2009, chapter 84 requires that an employer, including the State, shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy for up to 3 years following childbirth. The time used may be unpaid break time or paid break time or meal time at the discretion of the employer. An employer may not discriminate against an employee who chooses to express breast milk in the workplace.

**LD 403      An Act To Increase the Minimum Wage**

**Carried Over**

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

This bill increases the minimum wage to \$8.20 per hour in 2010 and to \$8.90 in 2011. Each year after that, the minimum wage is adjusted based on changes in prices, so that the minimum hourly wage rate maintains employee purchasing power. The price adjustment is based on the change in the Consumer Price Index.

This bill is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 409      An Act To Increase Leaves of Absence for State Employees and  
Officials Who Are Members of the National Guard or Reserves of the  
United States Armed Forces**

**ONTP**

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