

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON LABOR

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STATE OF MAINE

124TH 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 124th 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 124th 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

parties.

LD 868 An Act To Rename the Division of Deafness within the Department of Labor

PUBLIC 174

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN SCHNEIDER	OTP	H-238 HAYES

This bill changes the name of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services to the Division for the Deaf, Hard of Hearing and Late Deafened. The bill also defines "late deafened" and "late-deafened person" and corrects cross-references that are affected by the name change.

House Amendment "A" (H-238)

This amendment is being presented on behalf of the Committee on Bills in Second Reading to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 35-A, section 7302 and section 7505, subsection 5 by Public Law 2009, chapter 68.

Enacted Law Summary

Public Law 2009, chapter 174 changes the name of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services to the Division for the Deaf, Hard of Hearing and Late Deafened. The bill also defines "late deafened" and "late-deafened person" and corrects cross-references that are affected by the name change.

LD 869 An Act To Require the Development of Plans To Achieve the Payment of Livable Wages by State and Local Government Employers

ONTP

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

This bill redefines "livable wage" using the statewide average livable wage for a single-parent, one-child household rather than a 2 parent household with 2 earners and 2 children. It further adjusts the definition when applied to municipalities, school administrative units, and any other local political subdivision by using the county or metropolitan statistical area to base the average.

The bill requires the State, the University of Maine System, the Maine Community College System, and all municipalities, counties, and school administrative units to annually submit a report to the Department of Labor for the preceding calendar year to determine the extent in which they pay workers livable wage rates. The report is to identify all workers who were paid less than a livable wage rate, the total number of wages paid to each worker, the total wages that would have been paid to these workers for the same number of hours at a livable wage, and the difference between the actual wages and the livable wages.

The bill requires the Department of Labor to produce an annual report that quantifies and summarizes data gathered and analyzed from all federal, state, and local public social service agencies and offices to determine the costs of providing direct services to all workers employed by state and local public employers who are paid less than a livable wage.

Joint Standing Committee on Labor

The bill also requires the University of Maine System, the Maine Community College System and all municipalities, counties, and school administrative units to develop and implement a plan to achieve payment of at least a livable wage by July 1, 2012. They are to develop those plans with collective bargaining agents.

LD 888 *Resolve, Directing the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources To Remove Longevity Biases from Collective Bargaining Agreements* ONTP

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

This resolve directs the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources to:

1. Reduce or eliminate within future collective bargaining agreements those provisions that compensate longevity without regard to the value of services rendered to the State;
2. Retain the State's right to make temporary layoffs during future collective bargaining periods; and
3. Adjust the merit pay system so that only those in the upper third of performance are eligible for the award in the discretion of that employee's supervisor.

LD 934 *An Act To Clarify Public Sector Employee Fair Choice in Collective Bargaining* Carried Over

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

Under current law, if a state employee organization or public employee organization files a request with a public employer alleging that a majority of the employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining, the public employer may request an election to determine whether there exists majority support among the employees for such representation. This bill provides instead that the public employer may request an inspection of the evidence of written majority authorization on the part of the employees.

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

LD 946 *An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation* PUBLIC 280

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING PLOWMAN	OTP-AM	H-359