

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

July 2009

STAFF:

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

MEMBERS:

TROY DALE JACKSON, CHAIR
SEN. STAN GERZOFKY
SEN. PETER MILLS

REP. JOHN L. TUTTLE, JR., CHAIR
REP. HERBERT E. CLARK
REP. TIMOTHY E. DRISCOLL
REP. ANNA D. BLODGETT
REP. STEVEN J. BUTTERFIELD
REP. PAUL E. GILBERT
REP. ANDRE E. CUSHING III
REP. JAMES MICHAEL HAMPER
REP. MICHAEL D. THIBODEAU
REP. BRUCE A. BICKFORD

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

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

Joint Standing Committee on Labor

The purpose of this bill is to address the issue identified in *Grant v. Central Maine Power, Inc.*, 2003 ME 96, 828 A.2d 800 by amending the Maine Workers' Compensation Act of 1992 to permit an employer to reduce weekly benefits by the amount of earnings paid by an employer that is not liable or responsible for paying the weekly benefits.

Committee Amendment "A" (H-359)

This amendment clarifies that earnings may be discontinued or reduced by the actual substantiated amount paid to the employee during the 21-day period if the employer files the evidence of payment with the Workers' Compensation Board for the time during which an employee was actually paid by the employer.

Enacted Law Summary

Public Law 2009, chapter 280 amends the Maine Workers' Compensation Act of 1992 by clarifying that earnings may be discontinued or reduced by the actual substantiated amount paid to the employee during the 21-day period if the employer files the evidence of payment with the Workers' Compensation Board for the time during which an employee was actually paid by the employer.

LD 987 An Act To Clarify the Definition of "Employee" in the Employment Security Law

LEAVE TO WITHDRAW

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

This bill exempts licensed cosmetologists, massage therapists and manicurists who operate within an establishment owned by another under a booth rental agreement or other rental agreement from the definition of employment for purposes of unemployment compensation law.

LD 996 An Act To Allow Certain Retirees in the Maine Public Employees Retirement System To Return to Service with the State for 180 Days Annually

ONTP

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

Current Maine Public Employees Retirement System rules address the circumstance of a State employee or a teacher who retires prior to normal retirement age but who then returns to service with same employer for whom the employee or teacher last worked prior to retiring. The rules are based on the interpretation of federal Internal Revenue Service regulations.

This bill codifies some of those rules, including the requirement that there be a bona fide termination of at least 30 days, and allows a retiree to return to service after retirement with the same employer for a maximum of 180 days each year, instead of the current limit of 60 days specified in Maine Public Employees Retirement System rules.

The Committee addressed this issue by asking the Maine Public Employees Retirement System to change the rules to reflect the intent of this proposed bill.