

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

July 2009

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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

This bill also clarifies the applicability of the Maine Supreme Judicial Court's decision in *Cust v. University of Maine*, 2001 ME 29, 766 A.2d 566. This bill specifies that when an injured worker's permanent impairment rating under the Maine Revised Statutes, Title 39-A, section 213, subsection 1-A is above the applicable threshold on account of a single injury or the sum of multiple injuries, all of the worker's weekly benefits under the Maine Workers' Compensation Act of 1992 are exempt from the durational limit of Title 39-A, section 213, subsection 1.

The Committee carried forward this concept, in an amended form, in LD 1384.

LD 1167 An Act To Limit the Work Week of Doctors and Medical Residents

ONTP

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

Current law limits the amount of overtime an employee may be required to work to 80 hours in 2 weeks; medical interns and residents are exempt from this limitation.

This bill modifies the exemption to reduce the number of hours of overtime that a medical intern or resident can be required to work from 80 hours in a 2-week period to 20 hours in a one-week period and applies the same limit to physicians.

LD 1185 An Act To Require Cause for Employment Termination

**ACCEPTED ONTP
REPORT**

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

This bill enacts the Maine Employment Termination Act, which states that an employer may not terminate the employment of an employee without good cause.

Committee Amendment "A" (S-180)

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

LD 1219 An Act To Correct Inequities for Certain Maine Community College System Employees in the Maine Public Employees Retirement System

**PUBLIC 236
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	S-183

This bill provides that an employee of the Maine Community College System who participated in a defined contribution plan offered to such an employee in place of the retirement plan offered under the Maine Public Employees Retirement System and who subsequently resumed participation or commenced participation in the

Joint Standing Committee on Labor

Maine Public Employees Retirement System is automatically insured and is eligible for coverage under the group life insurance program provided to employees of the Maine Community College System in the same manner as a new employee of the Maine Community College System. Such an employee does not need to provide evidence of insurability in order to receive coverage under the group life insurance program provided to employees of the Maine Community College System.

Committee Amendment "A" (S-183)

This amendment corrects an oversight in Public Law 2001, chapter 545 and Public Law 2003, chapter 261 whereby the intent was for Maine Community College System employees to be able to return to membership in the Maine Public Employees Retirement System, including participation in the group life insurance program. The amendment also establishes a time frame during which certain confidential employees of the Maine Community College System may establish group life insurance coverage with the Maine Public Employees Retirement System.

Enacted Law Summary

Public Law 2009, chapter 236 corrects an oversight in Public Law 2001, chapter 545 and Public Law 2003, chapter 261 whereby the intent was for Maine Community College System employees to be able to return to membership in the Maine Public Employees Retirement System, including participation in the group life insurance program. The amendment also establishes a time frame during which certain confidential employees of the Maine Community College System may establish group life insurance coverage with the Maine Public Employees Retirement System.

Public Law 2009, chapter 236 was enacted as an emergency measure effective June 2, 2009.

LD 1292 An Act To Provide More Transparency and Protection for Public Employees in the Laws Governing the Maine Public Employees Retirement System

PUBLIC 322

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-285

This bill provides more transparency, accountability and protection for public employees with respect to the processes and policies of the Maine Public Employees Retirement System. The bill:

1. Provides that the executive director of the retirement system be appointed by the Governor subject to confirmation by the Senate;
2. Provides that persons providing information to prospective retiring public employees be well trained and knowledgeable about retirement system laws and rules and be able to provide this information in understandable terms;
3. Provides that mistakes by public employees or employees of the retirement system in regard to retirement system benefits, including overpayments, may not result in punitive and unreasonable penalties that result in reducing benefits below a livable income;
4. Provides that public employees who enroll in the retirement system must be reviewed by the retirement system no later than 60 days following enrollment in regard to eligibility for benefits under the retirement system;
5. Authorizes hearing examiners to make final decisions about disability benefits and other benefits based on all the data and evidence presented at the hearing, including information provided by treating physicians, public officials, witnesses, the medical board and other sources;