

# 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  
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

**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

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.

## Joint Standing Committee on Labor

The resolve directs the task force to submit a report on the design of the unified pension and benefit plan, together with proposed implementing legislation, to the Joint Standing Committee on Labor no later than March 1, 2010 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature.

### LD 1441 An Act To Amend and Clarify the Application of the Laws Regarding Severance Pay

ONTP

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

This bill makes the following changes to the laws governing severance pay.

1. It increases the time from a 12-month to a 36-month period in which a "covered establishment" employs or has employed 100 or more persons preceding termination or relocation.
2. It adds a definition of "employee."
3. It changes the definition of "physical calamity" by stating it applies only to involuntary bankruptcy petitions filed under Chapter 11.
4. It changes the definition of "week's pay" to include the greater of the average weekly pay in the last 12 months or the employee's wage rate at the time of termination or relocation multiplied by the number of hours in that employee's most recently scheduled work week.
5. It provides that certain provisions of the labor laws that apply to the payment of wages and penalties for the nonpayment of wages also apply to severance pay.
6. It creates a presumption that whenever an employer lays off 100 or more employees at a covered establishment that the affected employees are eligible for severance pay. The employer has the burden of proof that the lay-off is not permanent.
7. It provides that an employee due severance pay is eligible for payment from the Maine Wage Assurance Fund.

The Committee carried forward this concept, in an amended form, in LD 1469.

### LD 1454 An Act To Provide Additional Unemployment Benefits and Make Statutory Revisions in Accordance with the American Recovery and Reinvestment Act of 2009

PUBLIC 33  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E		S-63 DIAMOND

This bill amends the Maine Revised Statutes, Title 26, section 1193, subsection 1, paragraph A, which governs unemployment benefit disqualification exceptions for voluntarily leaving one's job, in order to meet the unemployment insurance modernization provision requirements under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2003, and ensures that the State qualifies for receiving the maximum

## Joint Standing Committee on Labor

incentive payment allowable to the State under the federal recovery legislation.

It also temporarily adds an alternative methodology for determining when extended unemployment benefits are paid. Using the seasonally adjusted total unemployment rate methodology for determining when extended unemployment benefits are payable increases the likelihood that these benefits will become available for unemployed workers during the current period of economic downturn. The addition of the alternative methodology remains in effect for weeks of unemployment that begin after February 17, 2009 until the week ending December 12, 2009 or until the week ending 3 weeks prior to the last week for which federal sharing is authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2005(a), whichever is later. During this period, a temporary change made under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 provides that the cost of all extended benefits in the unemployment compensation program will be paid 100% in most cases by the Federal Government.

### Senate Amendment "A" (S-63)

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

### Enacted Law Summary

Public Law 2009, chapter 33 amends the Maine Revised Statutes, Title 26, section 1193, subsection 1, paragraph A, which governs unemployment benefit disqualification exceptions for voluntarily leaving one's job, in order to meet the unemployment insurance modernization provision requirements under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2003, and ensures that the State qualifies for receiving the maximum incentive payment allowable to the State under the federal recovery legislation.

It also temporarily adds an alternative methodology for determining when extended unemployment benefits are paid. Using the seasonally adjusted total unemployment rate methodology for determining when extended unemployment benefits are payable increases the likelihood that these benefits will become available for unemployed workers during the current period of economic downturn. The addition of the alternative methodology remains in effect for weeks of unemployment that begin after February 17, 2009 until the week ending December 12, 2009 or until the week ending 3 weeks prior to the last week for which federal sharing is authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2005(a), whichever is later. During this period, a temporary change made under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 provides that the cost of all extended benefits in the unemployment compensation program will be paid 100% in most cases by the Federal Government.

Public Law 2009, chapter 33 was enacted as an emergency measure effective April 16, 2009.

### LD 1456 An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance

PUBLIC 452

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP-AM	H-536 H-557 MARTIN J L

This bill provides that, beginning January 1, 2010, a person performing construction work on a construction site for a hiring agent is presumed to be an employee of the hiring agent for purposes of workers' compensation, unless the person either meets the definition of "construction subcontractor" or carries workers' compensation insurance.

### Committee Amendment "A" (H-536)