

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON LABOR

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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 amends the law governing the distribution of group life insurance and group accidental death insurance benefits by the Maine Public Employees Retirement System to state employees and teachers to require that the benefit be paid to the deceased's duly appointed executor, personal representative or conservator for distribution according to the provisions of a lawfully executed will if there is no qualifying beneficiary designated at the time of the employee's death. The bill also makes technical changes to the law to accommodate this revision in the order of precedence.

Committee Amendment "A" (S-376)

This amendment replaces the bill and moves the deceased employee's duly appointed executor or personal representative of the employee's will after widow or widower in precedence for payment of group life insurance and group accidental death insurance benefits by the Maine Public Employees Retirement System to state employees and teachers. The amendment also amends the law governing coverage for employees of participating local districts in order to maintain consistency across the program. The amendment establishes a time frame within which an executor or personal representative must contact the retirement system in order for the claim proceeds to be distributed to the estate. The amendment removes all references to "conservator." The amendment makes the changes retroactive to January 1, 2009 for group life insurance and group accidental death claims not yet paid by the retirement system. The amendment also adds an emergency preamble and clause to the bill.

Enacted Law Summary

Public Law 2009, chapter 515 moves the deceased employee's duly appointed executor or personal representative of the employee's will after widow or widower in precedence for payment of group life insurance and group accidental death insurance benefits by the Maine Public Employees Retirement System to state employees and teachers. It also amends the section of law governing coverage for employees of participating local districts in order to maintain consistency across the program. The law establishes a time frame of six months from the date of the death of the employee within which an executor or personal representative must contact the retirement system in order for the claim proceeds to be distributed to the estate. The law removes all references to "conservator." The law also makes the changes retroactive to January 1, 2009 for group life insurance and group accidental death claims not yet paid by the retirement system.

Public Law 2009, chapter 515 was enacted as an emergency measure effective March 17, 2010.

LD 1665 An Act To Prevent the Spread of H1N1

DIED IN
CONCURRENCE

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

This bill requires an employer to give a maximum of 52 accrued hours of paid sick leave per year to any employee who is employed by a large business employer and a maximum of 26 accrued hours of paid sick leave per year to any employee who is employed by a small business employer. Paid sick leave is accrued from the first day of employment and can be used on the 90th day and thereafter.

Earned paid sick leave may be used by an employee during an absence from employment due to the physical or mental illness, injury or medical condition of an employee or an employee's family member; if the employee's place of business is closed due to a public health emergency; if an employee needs to care for a dependent whose school or place of care has been closed due to a public health emergency; for the purpose of an employee accessing necessary preventive health care or an employee's family member accessing necessary preventive health care; or due to the employee or the employee's family member being a victim of stalking, domestic violence or sexual abuse.

Joint Standing Committee on Labor

An employer who provides compensated leave for reasons included in the bill equal to or greater than required by the bill satisfies the obligations of the bill. The bill applies to employees covered by a collective bargaining agreement.

The bill prohibits an employer from discharging, demoting, suspending, disciplining, threatening, or otherwise discriminating against an employee who requests paid sick leave for reasons asserted in the bill or who files a complaint, testifies, or assists in an action brought against the employer for a violation of this bill. The bill does not prohibit an employer from taking employment action against an employer for taking leave that is not protected under this bill.

The bill requires the Maine Department of Labor to adopt routine technical rules to implement and enforce the bill.

Committee Amendment "A" (S-470)

This amendment prohibits an employer from discharging, demoting, suspending, disciplining or discriminating against an employee who misses work or comes to work late for no more than five days in 12 months due to illness of the employee or of a family member of the employee. The employee must make reasonable efforts to notify the employer at the time of the illness.

The amendment does not prohibit an employer from taking employment action against an employee for taking time off that is not protected by this or other applicable law.

The Department of Labor is required to adopt routine technical rules to implement this provision. The employee may seek relief from a violation of this provision by bringing a civil action in the appropriate court.

LD 1681 An Act To Implement a Maine Unemployment Insurance Work-sharing Program

**LEAVE TO
WITHDRAW**

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

This bill creates a work-sharing program that provides an alternative to layoffs during a temporary slowdown in business. Under a work-sharing plan, an employer elects to avoid layoffs by reducing the number of regularly scheduled hours of work for all workers in a specific unit or department or the business as a whole. Unemployment insurance benefits for the reduced hours of work are then payable as a proportion of the benefit amount for a full week of unemployment.

A work-sharing plan is voluntary on the part of the employer. A plan must be approved by the Commissioner of Labor or the commissioner's designee and, if the employees are unionized, by their collective bargaining agent.

LD 1711 An Act To Clarify the Status of Prisoners

PUBLIC 529

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAGNAN	OTP-AM	H-676