

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

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

Joint Standing Committee on Labor

This bill clarifies that certain prisoners are not considered employees with regard to minimum wage laws unless they fit within one of the listed categories. The categories include sentenced prisoners who are employed by a private employer; participating in a work release program, sentenced outside an institution under a set of rigorous conditions imposed at sentencing (17-A MRSA 1261); participating in one of more than 50 non-Federal prison work pilot projects (18 USC 1761); or on probation (34-A MRSA 2020-A).

Committee Amendment "A" (H-676)

This amendment adds persons employed while in a community confinement monitoring program to the list of persons protected by minimum wage law. It also adds this same group to the definition of "employee" in the workers' compensation laws. The amendment conforms a section of workers' compensation law that deals with incarcerated individuals to that definition.

Enacted Law Summary

Public Law 2009, chapter 529 clarifies that certain prisoners are not considered employees with regard to minimum wage laws unless they fit within one of the listed categories. The categories include sentenced prisoners who are employed by a private employer; participating in a work release program, sentenced outside an institution under a set of rigorous conditions imposed at sentencing (17-A MRSA 1261); participating in one of more than 50 non-Federal prison work pilot projects (18 USC 1761); or on probation (34-A MRSA 2020-A).

The law adds persons employed while in a community confinement monitoring program to the list of persons protected by minimum wage law. It adds this same group to the definition of "employee" in the workers' compensation laws. The law conforms a section of workers' compensation law that deals with incarcerated individuals to that definition.

LD 1715 An Act To Provide the Finance Authority of Maine with Flexible Health Care Options

ONTP

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

This bill adds the employees of the Finance Authority of Maine to those eligible for participation in the state group health plan.

The bill was no longer necessary because it was identical to a provision in the supplemental budget, Public Law 2009, chapter 571.

LD 1776 An Act To Protect Retirement Income

**PUBLIC 630
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-405 S-542 DIAMOND

This bill allows teachers covered by the Maine Public Employees Retirement System to purchase time attributable to days off without pay as a result of budget decisions made by local school administrative units for fiscal years