

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON LABOR**

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**STAFF:**

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

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# STATE OF MAINE

124<sup>TH</sup> 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 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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 124<sup>th</sup> 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 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

## *Joint Standing Committee on Labor*

ending June 30, 2010 and June 30, 2011. This bill provides to teachers the same benefits available to state employees.

### **Committee Amendment "A" (S-405)**

This amendment adds an emergency preamble and clause.

The amendment allows participating local district employees covered by the Maine Public Employees Retirement System to make payments equal to retirement contributions that would have been made if the employees had been paid on days off without pay as a result of budget decisions made by a participating local district for the fiscal years ending June 30, 2010 and June 30, 2011. This amendment provides to those employees the same benefits available to other system members.

### **Senate Amendment "A" To Committee Amendment "A" (S-542)**

This amendment makes changes to conform to changes made in the supplemental budget, Public Law 2009, chapter 571.

### **Enacted Law Summary**

Public Law 2009, chapter 630 allows participating local district employees covered by the Maine Public Employees Retirement System to make payments equal to retirement contributions that would have been made if the employees had been paid on days off without pay as a result of budget decisions made by a participating local district for the fiscal years ending June 30, 2010 and June 30, 2011. This benefit is available to other members of the system.

Public Law 2009, chapter 630 was enacted as an emergency measure effective April 9, 2010.

## **LD 1815     An Act To Clarify the Construction Subcontractor Status of the Maine Workers' Compensation Act of 1992**

**PUBLIC 569  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

Pursuant to Public Law 2009, chapter 452, this bill clarifies construction subcontractor status for purposes of the Maine Workers' Compensation Act of 1992 by making the predetermination status valid for one year. The predetermination creates a rebuttable presumption that the determination is correct in any later claim for benefits under the Maine Workers' Compensation Act of 1992. The bill does not require a worker, an employer or workers' compensation insurance carrier to request predetermination. The bill directs the Workers' Compensation Board to update the predetermination application, within existing resources, and submit it for review by the Joint Standing Committee on Labor. The bill also includes an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2009, chapter 569 clarifies construction subcontractor status for purposes of the Maine Workers' Compensation Act of 1992 by making the predetermination status valid for one year. The predetermination creates a rebuttable presumption that the determination is correct in any later claim for benefits under the Maine Workers' Compensation Act of 1992.

The law does not require a worker, an employer or workers' compensation insurance carrier to request predetermination.

The law directs the Workers' Compensation Board to update the predetermination application, within existing