

# MAINE STATE LEGISLATURE

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



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND  
FINANCIAL AFFAIRS**

May 2014

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**STATE OF MAINE**  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION  
**LEGISLATIVE DIGEST OF BILL SUMMARIES AND**  
**ENACTED LAWS**

The *Digest* is arranged within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES* .....House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE* ..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT* ..... action incomplete when session ended; legislation died  
*EMERGENCY* .....enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*.....emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*.....legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*.....sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*.....ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX* ..... chapter # of enacted public Law  
*RESOLVE XXX* ..... chapter # of finally passed resolve  
*VETO SUSTAINED*.....Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the Second Regular Session of the 126<sup>th</sup> Legislature is August 1, 2014. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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2. Prohibits employment agencies from failing to consider or refer applicants based on employment status, advertising that employment status is a qualification or requirement for a job or that an employer will not consider applicants based on current employment status or discriminating against individuals in any manner that may limit their access to information about jobs or limit the individual's number of referrals for consideration of jobs because of their current employment status;
3. Prohibits online job websites from publishing any advertisement for a job vacancy that includes any provision requiring or indicating that current employment status is a qualification or requirement for a job or that an employer will not consider applicants for employment based on current employment status;
4. Prohibits an employer or employment agency from interfering with individuals exercising their rights under this Act or otherwise discriminating against individuals for opposing any practice made illegal by this Act. It also prohibits discriminating against any individual who has filed a complaint or caused to be instituted any proceeding under this Act or who otherwise gives or may give information or testimony in connection with any inquiry or proceeding under this Act;
5. Requires employers and employment agencies to keep records pertaining to compliance with this Act, and it provides the Director of the Bureau of Labor Standards within the Department of Labor with the investigative authority to enter places of business and examine all records related to allegations of violations of this Act;
6. Authorizes a person who has been affected by a violation under this Act to bring a civil action against the employer or employment agency responsible. A person may bring a civil action on behalf of another individual who has been affected by a violation of this Act or a group of individuals similarly situated;
7. Grants the Department of Labor the authority to file a civil action on behalf of an individual or group of individuals against an employer or employment agency that violates the Act. Once the department commences such a lawsuit, there is no more private right to a civil action on behalf of the individual;
8. Establishes a duty for the Director of the Bureau of Labor Standards to enforce all laws relating to consideration of employment status in hiring practices, as well as the specific duty to receive, investigate and attempt to resolve complaints of violations of this Act;
9. Provides the Department of Labor with the authority to terminate state contracts and bar a contractor from participating in state contracts for a period of up to three years when a contractor has been found by a court to be in violation of this Act; and
10. Does not prohibit employment decisions or advertisements when a requirement related to employment status is a bona fide occupational qualification reasonably necessary to successful performance in the job. It also would not preclude an employer from considering employment history or the reasons underlying an individual's employment status.

**LD 1163**

**An Act To Authorize a General Fund Bond Issue To Fund Main Street  
and Downtown Economic Development Projects**

**ONTP**

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

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill authorizes a General Fund bond issue in the amount of \$20,000,000 to be used to provide funds for main street and downtown economic development projects, with \$12,000,000 to be awarded to municipalities that are not

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automatic recipients of federal Community Development Block Grant funds and \$8,000,000 to be awarded through open competitive grants for all municipalities.

**LD 1175      An Act To Review the Laws Governing Retirement Benefits for Certain State Employees      P & S 30**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO	OTP-AM	S-413
KESCHL	ONTP	S-544 HILL

This bill was carried over from the First Regular Session of the 126th Legislature.

This bill provides that service retirement benefits for a Capitol Police officer in the employment of the Department of Public Safety be computed on the basis of all of the member's creditable service, regardless of when that service was earned.

**Committee Amendment "A" (S-413)**

This amendment is the majority report of the committee. Part A clarifies that service retirement benefits for a Capitol Police officer in the employment of the Department of Public Safety, Bureau of Capitol Police on the effective date of the legislation must be computed on the basis of all of the member's creditable service, regardless of when that service was earned. Part A also adds an appropriations and allocations section and makes technical changes to the bill. Part B directs the Executive Director of the Maine Public Employees Retirement System to determine the number of active members who have earned creditable service in the 1998 Special Plan after earning creditable service in the regular plan in a capacity set forth in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1; identify the required changes to the laws governing retirement benefits to allow service benefits for a current member of the 1998 Special Plan to be computed on the basis of all the member's creditable service in a capacity set forth in Title 5, section 17851-A, subsection 1, regardless of when that service was earned; and calculate the cost to the State of implementing such a change. The executive director is required to report the results of the analysis to the joint standing committee of the Legislature having jurisdiction over retirement matters.

**Senate Amendment "A" To Committee Amendment "A" (S-544)**

This amendment strikes the provisions of the bill and the provisions of Committee Amendment "A" that provide that service retirement benefits for a Capitol Police officer in the employment of the Department of Public Safety, Bureau of Capitol Police on the effective date of the legislation must be computed on the basis of all of the member's creditable service, regardless of when that service was earned.

This amendment retains the provisions of Committee Amendment "A" that direct the Executive Director of the Maine Public Employees Retirement System to determine the number of active members who have earned creditable service in the 1998 Special Plan after having earned creditable service in the regular plan in a capacity set forth in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1; identify the required changes to the laws governing retirement benefits to allow service benefits for a current member of the 1998 Special Plan to be computed on the basis of all the member's creditable service in a capacity set forth in Title 5, section 17851-A, subsection 1, regardless of when that service was earned; and calculate the cost to the State of implementing such a change. The executive director is required to report the results of the analysis to the joint standing committee of the Legislature having jurisdiction over retirement matters.

**Enacted Law Summary**

Private and Special Law 2013, chapter 30 directs the Executive Director of the Maine Public Employees Retirement System to do the following:

1. Determine the number of active members who have earned creditable service in the 1998 Special Plan after