

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON
LABOR AND HOUSING**

August 2019

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

The *Digest* is arranged alphabetically by committee and 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. An appendix provides a summary of relevant session statistics.

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 First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Labor and Housing

LD 1214 **Resolve, To Conduct a Comprehensive Study of the Compensation System for State Employees**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MARTIN D	OTP-AM ONTP	S-146

This resolve directs the Commissioner of Administrative and Financial Services to commission a comprehensive study of the wages and compensation system for employees of the executive branch of State Government. The resolve directs the commissioner to involve the certified bargaining agents for the employees covered by collective bargaining units and report the findings and any recommendations to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than July 1, 2020, and authorizes the joint standing committee to submit a bill relating to the subject matter of the report to the First Regular Session of the 130th Legislature.

Committee Amendment "A" (S-146)

This amendment, which is the majority report of the committee, changes the committee to which the report is submitted in the bill to the Joint Standing Committee on Labor and Housing and authorizes that committee to report out a bill. This amendment adds an appropriations and allocations section.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

LD 1220 **An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work**

PUBLIC 436

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM OTP-AM	H-566

This bill amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees and retired teachers who return to service as classroom-based employees or school administrators in the following ways.

1. It allows a retired state employee or retired teacher to be restored to service as a classroom-based employee or school administrator beyond the current five-year limit.
2. It removes the cap of 75 percent of compensation established for the position that the retired state employee or retired teacher is filling.
3. It allows a retired state employee or retired teacher who returns to service as a classroom-based employee or school administrator to receive full retirement, health, dental and life insurance benefits as offered for the position to be filled and suspends the provisions of retiree health, dental and life insurance benefits for retired state employees or retired teachers during the period of reemployment.
4. It retains the current provisions that a retired state employee or retired teacher who returns to service is not a member and therefore may not accrue additional creditable service or change the retired state employee's or retired teacher's earnable compensation for benefit calculation purposes.

Joint Standing Committee on Labor and Housing

5. It requires full employee and employer contributions to the retirement system for the unfunded liability and the state group health plan for retiree health care based upon the retired state employee's or retired teacher's compensation.

Committee Amendment "A" (H-566)

This amendment is the majority report of the committee and replaces the bill. It amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees, retired teachers and retired school administrators who return to service as classroom-based employees or school administrators in the following ways.

1. It removes the five-year limit on a retired state employee or retired teacher to be restored to service.
2. It removes the cap of 75 percent of compensation established for the position that the retired state employee or retired teacher is filling.
3. It allows a retired state employee, retired teacher or retired school administrator who returns to service to receive retirement, health, dental and life insurance benefits as negotiated by the retired state employee, retired teacher or retired school administrator or as required under collective bargaining agreements.
4. It requires that the portions of the employer and employee contributions that go to pay the retirement system for the unfunded liability and the state group health plan for health care must be continued at the same contribution rate of the employer and employee as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. A retired state employee, retired teacher or retired school administrator who returns to service is not a member and therefore may not accrue additional creditable service during the reemployment period or change the retired state employee's, retired teacher's or retired school administrator's earnable compensation for benefit calculation purposes.

Committee Amendment "B" (H-567)

This amendment is the minority report of the committee and replaces the bill. It amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees and retired teachers who return to service to remove the five-year limit on a retired state employee or retired teacher to be restored to service.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 436 amends the provisions of the Maine Public Employees Retirement System regarding compensation and service retirement benefits for retired state employees, retired teachers and retired school administrators who return to service as state employees, classroom-based employees or school administrators in the following ways.

1. It removes the five-year limit on a retired state employee or retired teacher to be restored to service.
2. It removes the cap of 75 percent of compensation established for the position that the retired state employee or retired teacher is filling.
3. It allows a retired state employee, retired teacher or retired school administrator who returns to service to receive retirement, health, dental and life insurance benefits as negotiated by the retired state employee, retired teacher or retired school administrator or as required under collective bargaining agreements.
4. It requires that the portions of the employer and employee contributions that go to pay the retirement system for

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the unfunded liability and the state group health plan for health care must be continued at the same contribution rate of the employer and employee as is required for the position as if the position were filled by an employee who is not a retired state employee, retired teacher or retired school administrator. A retired state employee, retired teacher or retired school administrator who returns to service is not a member and therefore may not accrue additional creditable service during the reemployment period or change the retired state employee's, retired teacher's or retired school administrator's earnable compensation for benefit calculation purposes.

**LD 1232 An Act To Ensure the Right To Work without Payment of Dues or Fees
to a Labor Union as a Condition of Employment**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L DAVIS P	ONTP OTP-AM	

This bill prohibits a person, either in the public or private sector, from being required to join a labor organization or pay any labor organization dues or fees as a condition of employment or continuation of employment, notwithstanding any state law to the contrary. A violation is a Class D crime and is also subject to civil damages and injunctive relief. The Attorney General is responsible for enforcement and is required to prosecute all violations.

Committee Amendment "A" (H-281)

This amendment, which is the minority report of the committee, provides funding to the Office of the Attorney General to investigate and prosecute violations arising from the right to refrain from joining a union or paying union dues.

This amendment was not adopted.

**LD 1237 An Act To Simplify Municipal Collective Bargaining by Removing the
120-Day Notice Required Prior to Certain Negotiations**

PUBLIC 240

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HANDY J	OTP ONTP	

This bill repeals the requirement that a bargaining agent for municipal public employees submit a written request for collective bargaining to the public employer of those municipal public employees at least 120 days before the conclusion of the current fiscal operating budget.

Enacted Law Summary

Public Law 2019, chapter 240 repeals the requirement that a bargaining agent for municipal public employees submit a written request for collective bargaining to the public employer of those municipal public employees at least 120 days before the conclusion of the current fiscal operating budget.