

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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STAFF:

DEIRDRE SCHNEIDER, LEGISLATIVE ANALYST
COLLEEN MCCARTHY REID, SR. LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee member for a portion of the session

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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.

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of health caused by an infectious disease resulting in total or partial disability or death of a corrections officer is presumed to have been suffered in the line of duty, unless it is shown otherwise.

3. It amends the workers' compensation laws by including a rebuttable presumption that heart disease or hypertension suffered by a corrections officer was caused in the course of employment as a corrections officer, like the provisions of current law that establish a rebuttable presumption that cancer contracted by a firefighter was caused by exposure to carcinogens in the course of the firefighter's firefighting duties.

LD 1386 An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANBORN L	OTP-AM	S-204
COLLINGS B	ONTP	S-342 BREEN C

This bill directs the Department of Labor, Bureau of Labor Standards, when determining prevailing hourly wages and benefits, to collect one set of data through conducting a survey of wages and benefits and a second set of data through certified payroll submissions on state construction projects during two weeks in July of each year and to use the higher wage and benefit information of the two data sets to determine the prevailing hourly wage and benefit rate. This bill also increases from \$50 to \$250 the penalty for failing to provide requested information to the bureau.

Committee Amendment "A" (S-204)

Like the bill, this amendment requires two data sets to be reported to the Department of Labor, Bureau of Labor Standards in order to determine the hourly prevailing wage and benefits rate paid in the construction industry but clarifies that the second set of data, the certified payroll submissions on state construction of public works, is to come from reporting by state agencies that contract for the construction of public works. It also requires that all data must be submitted to the bureau by the second week in October. It increases the penalties the director may assess against any person who fails to provide the information from \$250 for all offenses, as in the bill, to \$250 for the first offense, \$500 for a second offense and \$1,000 for any subsequent offense. Lastly, it adds an appropriations and allocations section to fund a position in the department necessary for the administration of requirements of the bill, as amended.

Senate Amendment "A" To Committee Amendment "A" (S-342)

This amendment eliminates the General Fund appropriations for one-half of the cost of one Statistician II position within the Department of Labor, Bureau of Labor Standards and instead provides Other Special Revenue Funds allocations for the full cost of the position.

LD 1395 An Act To Create Fairness for Dispatchers in the Maine Public Employees Retirement System

PUBLIC 364

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M BELLOWS S	OTP-AM	H-551

This bill adds dispatchers to the categories of participating local district employees for which a special retirement plan is available. Participating local districts that elect to cover their dispatchers by a more favorable special plan are responsible for the payment of any increased employer costs associated with such an election. Depending upon the plan that is elected, dispatchers may also pay an increased member contribution rate for participation in the more

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favorable special plan.

Committee Amendment "A" (H-551)

This amendment clarifies that a dispatcher may not be added to a special retirement plan by a participating local district that does not have a specific age requirement unless the dispatcher has completed at least 25 years of creditable service.

Enacted Law Summary

Public Law 2019, chapter 364 adds dispatchers to the categories of participating local district employees for which a special retirement plan is available. Participating local districts that elect to cover their dispatchers by a more favorable special plan are responsible for the payment of any increased employer costs associated with such an election. Depending upon the plan that is elected, dispatchers may also pay an increased member contribution rate for participation in the more favorable special plan. The law also clarifies that a dispatcher may not be added to a special retirement plan by a participating local district that does not have a specific age requirement unless the dispatcher has completed at least 25 years of creditable service.

LD 1400 An Act To Improve Recruitment and Retention in State Law Enforcement by Offering Retirement Service Credit

PUBLIC 459

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRINGTON M	OTP-AM	H-495

This bill allows a member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program to purchase up to four years of service credit for time served as a full-time law enforcement officer prior to membership.

It also allows a member of either program who served as a full-time active duty member of the United States Armed Forces during the Cold War, measured from January 1, 1947, to December 27, 1991, before becoming a member and who separated from the armed forces under conditions other than dishonorable to purchase service credit. This service credit is capped at four years for members of the State Employee and Teacher Retirement Program and five years for members of the Participating Local District Retirement Program.

Committee Amendment "A" (H-495)

This amendment replaces the bill. It allows a member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program to purchase up to four years of service credit for time served as a full-time law enforcement officer prior to membership at full actuarial cost if the member has at least 15 years of creditable service at the time of retirement. The amendment also requires that the member certify that the service credit to be purchased has not and will not be used to obtain other retirement benefits. The amendment also clarifies that the purchase of service credit for time served as a full-time law enforcement officer may be applied to the requirement for creditable service of 25 years under the 1998 Special Plan.

Enacted Law Summary

Public Law 2019, chapter 459 allows a member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program to purchase up to four years of service credit for time served as a full-time law enforcement officer prior to membership at full actuarial cost if the member has at least 15 years of creditable service at the time of retirement. The law requires that the member certify that the service credit to be purchased has not and will not be used to obtain other retirement benefits. The law also clarifies that the purchase of service credit for time served as a full-time law enforcement officer may be applied to the requirement for creditable service of 25 years under the 1998 Special Plan.