

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

**JOINT STANDING COMMITTEE ON  
LABOR AND HOUSING**

November 2020

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# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## 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 129<sup>th</sup> 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 129<sup>th</sup> 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 1965    An Act To Set a Minimum Wage for School Support Staff**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B		

This bill establishes a minimum wage of \$16.00 per hour for school support staff.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1976    An Act To Help Retain School Bus Drivers**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODSOME D BERRY S	ONTP	

This bill exempts a school bus driver who has been temporarily laid off from work search requirements in the unemployment compensation laws for up to six weeks if the driver's employer sets a definite recall date of not more than 12 weeks from the date of the temporary layoff.

**LD 1978    An Act To Improve the Disability Retirement Program of the Maine Public Employees Retirement System**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D INGWERSEN H	OTP-AM ONTP	

This bill amends the laws relating to disability retirement under the Maine Public Employees Retirement System and makes other changes relating to the structure of the Maine Public Employees Retirement System.

This bill:

1. Repeals the laws providing for a medical board to review applications for disability retirement;
2. Provides that the system's hearing officers are not employees of the Board of Trustees of the Maine Public Employees Retirement System but independent contractors that serve as neutral and independent decision makers;
3. Modifies the definition of "disabled";
4. Provides that a member seeking disability retirement must obtain a residual functional capacity assessment from a health care provider. The bill defines "health care provider." The board may find that a member has a mental or physical disability and is eligible for disability retirement based on the information provided through the assessment. If the board is unable to determine whether the member is eligible for disability retirement based on the information provided through the assessment, the board must direct the member to have an independent medical examination by an independent health care provider. After an independent medical review, the board must refer the member's application to a disability specialist, who must, in consultation with the board, make a finding of disability

## *Joint Standing Committee on Labor and Housing*

based upon the totality of the evidence. A final decision of the board that the member is not disabled may be appealed by the member to a hearing officer. An adverse decision by the hearing officer may be appealed to the court, which must review the matter de novo;

5. Provides that, beginning with the first full month following the receipt of a residual functional capacity form that states a member is unable to perform essential functions of a job due to a disability that is expected to last at least 12 months, the member must be granted a preapproval benefit calculated at 50% of full disability retirement for six months or until a determination of disability is made entitling the member to full disability retirement, whichever comes first. This preapproval payment may be made upon a disability application only once within a five-year period;

6. Provides that, when reviewing medical evidence in making a determination of disability, the board, disability specialists and hearing officers must primarily consider medical opinions in the record and whether the opinions are supported by sound medical evidence and are consistent with other medical evidence in the record; and

7. Provides that, if a member has retained services of an attorney to represent the member before a hearing officer or in a court proceeding on appeal of a hearing officer's decision and the fee arrangement has been approved by the hearing officer or the court and the attorney obtains a favorable result for the member, the attorney's legal fees must be paid by the board up to a maximum of \$12,000. The attorney may have a contingency fee arrangement, in which case any payment from the board must be applied toward the satisfaction of the contingency fee.

### **Committee Amendment "A" (S-447)**

This amendment replaces the bill and is the majority report of the committee.

The amendment makes changes consistent across retirement programs of the Maine Public Employees Retirement System; clarifies the decision-making process for disability retirement applications; eliminates expansion of the definition of "disability" and creation of a preapproval benefit to avoid creating an unfunded actuarial liability; specifies that independent medical examinations may take place at the health care provider's office or facility; and requires the retirement system to report to the joint standing committee of the Legislature having jurisdiction over retirement matters on the experience of the retirement system and its members under the changes. The amendment also requires formation of a stakeholder group to report to the joint standing committee of the Legislature having jurisdiction over retirement matters on implementing mandatory long-term disability insurance coverage.

This bill, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

### **LD 1986     An Act To Clarify the Law Protecting Job Applicants from Identity Theft**

**PUBLIC 567**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S	OTP	

Current law prohibits an employer from requesting the social security number of a prospective employee. This bill provides an exception to the prohibition when the employer is required to request the social security number by federal law.

### **Enacted Law Summary**

Public Law 2019, chapter 567 creates an exception to the prohibition on requesting the social security number of a prospective employee by an employer by allowing an employer to request the social security number when that employer is required to request it by federal law.