

## *Labor*

**PUBLIC 10**      **An Act to Ensure that Child Labor Laws Apply to Public Sector Employers**      **LD 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP	H-11   SMITH W

Public Law 2003, chapter 10 provides that child labor laws apply to public employers as well as to private employers, except that they do not apply to service in the National Guard.

**PUBLIC 28**      **An Act To Expand Unemployment Benefits**      **LD 83**  
**EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK STANLEY	OTP-AM	H-16 H-21   CLARK

Public Law 2003, chapter 28 provides that a person is not disqualified from receiving unemployment compensation benefits on the grounds that the person volunteered to be laid off, when a layoff or reduction in force is announced by the employer and the employer asks for volunteers.

Public Law 2003, chapter 28 was enacted as an emergency measure, effective April 8, 2003.

**PUBLIC 52**      **An Act to Amend the Laws Governing the Extension of Benefits for Partial Incapacity Under the Maine Workers' Compensation Act of 1992**      **LD 10**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-62

Public Law 2003, chapter 52 allows the Workers' Compensation Board, on a case-by-case basis, to delegate to hearing officers the authority to hear and decide cases involving a request for an extension of benefits due to extreme financial hardship due to inability to return to gainful employment. The case may be heard by a single hearing officer or a panel of three hearing officers, and hearing officer decisions on these matters may not be appealed to the Board.

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**PUBLIC 53      An Act to Amend the Child Labor Laws**

**LD 6**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-56
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Public Law 2003, chapter 53 provides that the work hour restrictions applicable to 16-year-old and 17-year-old minors are determined by whether the school attended by the minor is in session, rather than by reference to the public school schedule. The permissible work hours are more restrictive when the minor's school is in session than when it is not.

**PUBLIC 58      An Act To Provide Employees Fair Access to Personnel Files**

**LD 411**

<u>Sponsor(s)</u> HATCH PR EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-54
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Current law gives employees in the private sector the right to review their personnel files and to obtain a copy of the file, at the employee's expense. Public Law 2003, chapter 58 amends the law to require that, in each calendar year, the employer is required to provide a copy of the entire personnel file when the employee or former employee requests it, at no cost to the employee. Upon a second request in the same calendar year, the employer would be required to provide at the employer's expense only a copy of material added to the personnel file between the time the entire file was copied and the time of the request. An employee or former employee may make other requests in the same calendar year, but the employee must pay the costs of copying any additional material requested.

**PUBLIC 59      An Act To Improve the Health and Safety of Young Workers**

**LD 170**

<u>Sponsor(s)</u> DUPLESSIE BRYANT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-64
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Public Law 2003, chapter 59 requires that the Department of Labor rules prohibiting minors from working in hazardous jobs must include a rule prohibiting minors from working in confined spaces or at a certain height, when federal Occupational Safety and Health Administration regulations would require special procedures or precautions for such work. It requires that the rules limiting minors from such work include specific exceptions for work needed for public safety. It also restructures the entire section of law to make it easier to read.

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**PUBLIC 76**      **An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Less than Six Months**      **LD 68**

<u>Sponsor(s)</u> COLWELL EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-83
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Public Law 2003, chapter 76 amends the collective bargaining law governing higher education employees. It removes the exclusion of persons who have been employed less than 6 months, provides for negotiation of initial probationary periods and establishes a minimum 6-month probationary period during which an employee may be terminated without just cause.

**PUBLIC 93**      **An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund**      **LD 9**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-106
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Public Law 2003, chapter 93 allows the Workers' Compensation Board to use its reserve funds for any of the purposes set forth in Title 39-A, the Maine Workers' Compensation Act of 1992. It also requires the Board to notify the joint standing committee of the Legislature having jurisdiction over labor matters whenever the Governor and the State Budget Officer approve a request by the Workers' Compensation Board to use reserve funds to exceed its legislatively authorized allocation.

**PUBLIC 95**      **An Act To Require Disclosure of the Amount and Duration of Unemployment Benefits to Recipients**      **LD 954**

<u>Sponsor(s)</u> JACKSON EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-104
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Public Law 2003, chapter 95 requires the Department of Labor, upon inquiry from a person, to provide that person an estimate of the amount and duration of unemployment benefit payments likely to be paid to that person. Inquiry may be made by telephone, and is not considered to be an application for benefits. The estimate will be provided for benefits that would be paid if the individual applied on the day of the inquiry, and, if the inquiry is made within 2 weeks before the beginning of a calendar quarter, an estimate will be provided of benefits that would be paid if the individual applied after the beginning of that calendar quarter.

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**PUBLIC 96      An Act To Allow Recipients To Withdraw from Receiving  
Unemployment Benefits by Phone and at Any Time before  
Receiving Benefits**

**LD 955**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON EDMONDS	OTP-AM	H-103

Public Law 2003, chapter 96 allows a claimant for unemployment benefits to withdraw the claim at any time before receiving benefits. Withdrawal may be initiated by telephone, but the Department of Labor may require a person to submit a signed withdrawal authorization following the withdrawal by phone. A person who cashes a benefit check is deemed to have revoked any withdrawal of that claim.

**PUBLIC 99      An Act To Establish a Transportation Assistance Pilot Program**

**LD 334**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-43

Public Law 2003, chapter 99 creates a 2-year pilot program to allow use of up to \$250,000 each year from the Kim Wallace Adaptive Equipment Loan Program Fund to make loans to persons with disabilities in rural areas of the State to assist them in purchasing used motor vehicles for the purpose of traveling to and from work. Loans may be made for the purchase of a vehicle needed as part of an individualized plan towards employment, in amounts up to \$7,000 per qualifying borrower. The Kim Wallace Adaptive Equipment Loan Program Fund Board will present a report on the pilot program to the legislative committee having jurisdiction over transportation matters by January 1, 2005.

**PUBLIC 114      An Act to Conform State Workforce Development Laws to the  
Federal Workforce Investment Act of 1998**

**LD 1093**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP	

Public Law 2003, chapter 114 updates state workforce development laws to reflect the changes in federal law from the Job Training Partnership Act to the Workforce Investment Act of 1998. It deletes obsolete language, updates references and defines terms.

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**PUBLIC 163      An Act To Allow for Immediate Unemployment Fact-finding Interviews for Able and Availability Issues      LD 1453**

<u>Sponsor(s)</u> EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-81
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Public Law 2003, chapter 163 allows the Department of Labor, Bureau of Unemployment Compensation, to hold an immediate fact-finding interview when an individual submits information in a weekly unemployment claim indicating that the claimant was not available for work during the claim week. The Department may modify the benefit check amount accordingly based on the information provided by the claimant during the fact-finding interview.

**PUBLIC 164      An Act To Improve Timeliness of Unemployment Trust Fund Deposits      LD 1476**

<u>Sponsor(s)</u> SMITH W		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-147
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Public Law 2003, chapter 164 modifies the process for depositing unemployment insurance contributions from employers into the Unemployment Trust Fund to eliminate delays in the deposit. Currently there is a 2-step process, which is inefficient and creates conditions that may not meet federal standards.

**PUBLIC 197      An Act To Raise the Threshold under the Fair Minimum Wage Rate on Construction Projects Law      LD 1532**

<u>Sponsor(s)</u> PATRICK		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 197 increases the threshold for requiring a wage and benefit determination on a state construction project from \$10,000 to \$50,000.

**PUBLIC 214      An Act To Allow a Retiree Eligible for State-paid Health Insurance Coverage To Decline Coverage and Reenroll at a Later Date      LD 1277**

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-102
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Public Law 2003, chapter 214 allows a retired state employee who is eligible for retiree health insurance to decline coverage for some period of time and then reenroll in the program at a later date without penalty. A person may elect to decline health insurance coverage at the time of retirement and retain the option to reenroll pursuant to the provisions of this new law, or a person may elect to withdraw from health coverage at any time

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after retirement, provided the person had elected at the time of retirement to be covered by the state health insurance plan. It also clarifies the conditions under which the spouse or dependent of a retiree who reenrolls may obtain coverage under the health insurance plan.

**PUBLIC 225      An Act To Amend the Laws Governing Noncompete Clauses in      LD 1120**  
**Broadcast Industry Contracts**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP      MAJ ONTP      MIN	

Under current law, a provision in a broadcasting industry employment contract is presumed unreasonable if it prevents a person from working for a competing employer in a particular geographic area for a certain amount of time after the contract is completed or the person is let go from employment. Current law excludes contracts with sales persons from this presumption. Public Law 2003, chapter 225 removes that exclusion.

**PUBLIC 244      An Act To Revise the Standards for Reporting Public Sector      LD 1544**  
**Workplace Deaths and Serious Injuries**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS DUPLESSIE	OTP	

Public Law 2003, chapter 244 reduces the time frame within which a public employer must report a death or serious injury to the Director of the Bureau of Labor Standards within the Department of Labor from 48 hours to 8 hours for a death and 24 hours for a serious injury, consistent with federal requirements under the Occupational Safety and Health Administration regulations.

**PUBLIC 261      An Act Relating to Employees Whose Membership in the Maine      LD 672**  
**State Retirement System is Optional**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-138

Public Law 2003, chapter 261 clarifies the ability of an employee whose membership in the Maine State Retirement System is optional, including confidential employees of the Maine Community College System, to reenter the system after having earlier withdrawn. It provides that any employee whose membership is optional may purchase service credit for the time during which that person was eligible to be in the Maine State Retirement System but elected not to join the Maine State Retirement System. The employee would be required to pay the full actuarial cost of the service credit. Finally, it provides that a confidential employee of the Maine Community College System whose membership is optional and who is not represented by a union may join or rejoin the Maine

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State Retirement System only when the funds necessary to pay the additional costs to the Maine Community College System have been identified and designated.

**PUBLIC 273      An Act Pertaining to Former Members of the Maine State Retirement System      LD 831**

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-322
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Public Law 2003, chapter 273 allows a municipality or other participating local district that has withdrawn from the Maine State Retirement System to elect to adopt any provision of the Maine State Retirement System laws after the local district withdraws from the retirement system, regardless of whether the provision was enacted before or after the local district's withdrawal. Those changes would apply only to persons who remained in the retirement system plan at the time the local district withdrew from the retirement system.

**PUBLIC 324      An Act To Authorize Certain Former Members of the Maine State Retirement System To Rejoin the Maine State Retirement System      LD 1535**  
**EMERGENCY**

<u>Sponsor(s)</u> GAGNON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-152
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A previously enacted law (Public Law 2001, chapter 442) removed the earnings cap for retirees under the Maine State Retirement System who returned to covered service and, at the same time, precluded those retirees from being restored to membership in the Maine State Retirement System. Public Law 2003, chapter 324 allows a recipient of retirement benefits under the Maine State Retirement System at the time the law was changed who had returned to covered service to rejoin the system in certain circumstances, which would allow the member potentially to increase retirement benefits.

Under chapter 324 such an employee may exercise the option to be retroactively restored to membership in the Maine State Retirement System. In that case, the employee is required to pay back to the retirement system over earnings while not a member, to pay the full actuarial cost of the new retirement benefit based on additional creditable service allowed under this chapter and to repay retirement benefits received after being retroactively restored to membership. An employee also has the option to be restored to membership prospectively. That employee must repay the retirement system for any over earnings while retired before Public Law 2001, chapter 442 was enacted.

Public Law 2003, chapter 324 was enacted as an emergency measure, effective May 27, 2003.



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## PUBLIC 387      An Act To Amend the Laws Relating to the Maine State Retirement System

LD 1501

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP-AM	S-179

Public Law 2003, chapter 387 makes several changes in the laws of the Maine State Retirement System. Chapter 387 does the following:

1. Amends the definition of Consumer Price Index that applies to judges for cost of living adjustments and other purposes to make it consistent with the definition that applies to all other Maine State Retirement System members.
2. Brings state law into compliance with federal law with respect to the period of time that a member may continue to earn creditable service while on a leave of absence in order to serve in the military.
3. Extends rehabilitation services to additional disability retirement recipients and makes participation in rehabilitation services designed to assist their return to substantially gainful activity optional—an activity that must be mutually agreed to by the Executive Director of the Maine State Retirement System and the retiree. The law also repeals the discontinuance of disability retirement benefits to recipients who decline to participate in the rehabilitation services program.
4. Makes the withdrawal of contributions from the Maine State Retirement System optional when a member who is covered by the Social Security Act elects to cease contributing to Maine State Retirement System and when a member who is covered by an employer-provided retirement plan elects to cease contributing to the Maine State Retirement System.
5. Changes the attendance and voting requirements under which the Participating Local District Advisory Committee transacts business and adds the retirement system staff to those permitted to make rule amendment proposals regarding the consolidated retirement plan for local district employees to the Board of Trustees of the Maine State Retirement System. The Participating Local District Advisory Committee was previously the sole entity permitted to make such proposals.
6. Makes changes to the recently enacted law (Public Law 2001, chapter 442) allowing state employees, teachers and participating local district members of the retirement system to retire and return to covered employment without a limitation on earnings. First, to comply with federal age discrimination law, chapter 387 provides that retirees who take advantage of the new state law and exercise their choice to retire without a cap on their earnings while retired but also without the ability to accrue additional service credit for retirement purposes do so willingly and knowingly. Second, it directs the retirement system to adopt rules regarding termination of employment to comply with federal tax law and regulations. Third, the law provides the retirement system the ability to collect the necessary information from employers to determine the impact of the new law on the costs of the plan.

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**PUBLIC 423      An Act To Provide Equitable Treatment to State Employees**

**LD 1619**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J TREAT	OTP-AM	H-531

Public Law 2003, chapter 423 amends certain state labor laws to equalize the treatment of state employees to the treatment of private sector employees. Recent United States Supreme Court cases have ruled that the State, as an employer, cannot be sued under certain federal employment laws unless the State consents to be sued. Instead of waiving immunity to allow state employees to sue the State under federal labor law, PL 2003, chapter 423 amends state labor laws to provide remedies to state employees under state law.

It includes state employees, except for legislative employees, in the law requiring employers to pay time-and-a-half for overtime hours worked. Currently all public employees are exempt from that requirement. It amends the remedy provision so that state employees who are not paid the appropriate overtime wage recover only the amount of unpaid wages, not liquidated damages or attorney's fees as provided for private sector employees. It provides for a 3-year statute of limitations for violations of the minimum wage law for state employees if the violation of the law is willful. Compensatory time may in some instances be substituted for overtime pay, when allowed by federal law.

PL 2003, chapter 423 amends the workers' compensation law to provide that state employees who are barred from suing the State under admiralty law or certain federal laws because of sovereign immunity are not excluded from coverage under the state workers' compensation law.

**PUBLIC 424      An Act To Prohibit the Use of Workers' Compensation Trust Funds  
for Political Contributions**

**LD 974**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH HATCH PR	OTP-AM    MAJ ONTP      MIN	S-161 S-213    EDMONDS

Public Law 2003, chapter 424 prohibits self-insuring employers and employer groups from using workers' compensation trust funds to make contributions to political candidates or political action committees. It also requires individual or group self-insurers, when they apply to the Superintendent of Insurance for renewal of authority to self-insure, to include a certification that no political contributions have been made from the trust fund in violation of the Maine Revised Statutes, Title 39-A, section 403, subsection 18.

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**PUBLIC 425      An Act To Increase the Assessment on Workers' Compensation  
EMERGENCY    Insurance To Fund the Workers' Compensation Board  
                  Administrative Fund**

**LD 35**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
OTP-AM	MAJ	S-255 EDMONDS
OTP-AM	MIN	S-61

Public Law 2003, chapter 425 increases the cap on the assessment levied to fund the operations of the Workers' Compensation Board to \$8,390,000 in fiscal year 2003-04, \$8,565,000 in fiscal year 2004-05 and \$8,525,000 in fiscal year 2005-06. Included in the increased assessment cap for fiscal years 2003-04 and 2004-05 is \$40,000 for the board to contract for programming services to implement electronic filing by insurers and self-insurers. The law also provides for the worker advocate and support staff positions that were not included in the Part 1 budget bill due to lack of revenue to fund the positions.

The law requires the Workers' Compensation Board to adopt rules requiring the electronic filing of information with the board. The rules are routine technical rules but must be developed through the consensus-based rule development process described in the Maine Administrative Procedure Act.

The law creates a 6-member commission to review the Workers' Compensation Board's budget process for establishing, approving and monitoring its budget, with 4 Legislators and 2 members of the Workers' Compensation Board. The commission will report its findings and recommendations to the Joint Standing Committee on Labor by December 3, 2003.

Public Law 2003, chapter 425 was enacted as an emergency measure, effective July 1, 2003.

**PUBLIC 432      An Act to Amend the Laws Governing Wage and Benefit Records  
                  of Persons Working on Public Works Projects**

**LD 361**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM    MAJ	H-93
EDMONDS	ONTP      MIN	

Public Law 2003, chapter 432 requires contractors and subcontractors on public works projects to monthly file their wage and benefit records with the public agency that entered into the contract. The records must include information about independent contractors working with the contractors and subcontractors as well as information about employees of those contractors and subcontractors. The records filed with the public agency are public records, but the public agency must adopt rules to prevent the disclosure of certain personal information, such as a person's Social Security number or taxpayer identification number.

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**PUBLIC 437      An Act To Protect Maine Families When Workplace Fatalities Occur**

**LD 476**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM    MAJ	H-96
EDMONDS	ONTP      MIN	

Public Law 2003, chapter 437 amends current law relating to the inclusion of the value of discontinued benefits in calculating an employee's average weekly wages, earnings or salary for purposes of workers' compensation. Currently, that value is not included in the calculation to the extent that the inclusion causes the wage to exceed 2/3 of the state average weekly wage at the time of injury. This law removes the 2/3 limitation in the event of an employee's death so that more of the value of such benefits may be used in determining the death benefit due to survivors.

**PUBLIC 442      An Act Regarding Wrongful Discharge**

**LD 1117**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM    MAJ	H-265
BRYANT	OTP-AM    MIN	H-527    HUTTON

Public Law 2003, chapter 442 requires the Department of Labor to print the notice that Maine employees are generally "at-will" employees, contained in the Regulation of Employment poster, in a bold typeface that is larger than in the current poster printing.

**PUBLIC 458      An Act to Ensure that Maine's Unemployment System is Responsive to the Needs of Today's Workforce**

**LD 240**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON	OTP-AM    MAJ	H-482
EDMONDS	ONTP      MIN	H-528    SMITH W

Current law requires that, in order to be eligible to receive unemployment compensation benefits, a person must be able, available for and actively seeking full-time work. Public Law 2003, chapter 458 provides that a person who is able, available and seeking only part-time work is not disqualified from receiving benefits if (1) the person had a history of part-time work and continues to seek work for a comparable number of hours per week; or (2) the person can only work part-time because of a family member's illness or disability or because of the safety of the person or the person's family member. This provision allowing a person to limit his or her work search to part-time work does not apply to applications for unemployment benefits filed on or after October 1, 2005.

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**PUBLIC 471      An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts      LD 398**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM    MAJ	S-239   EDMONDS
HATCH PR	ONTP      MIN	

Public Law 2003, chapter 471 provides that employers may be required to electronically file with the Workers Compensation Board reports of injuries that required medical attention, but did not result in loss of work days, if the Board adopts major substantive rules to require such filing.

**PUBLIC 485      An Act To Clarify Eligibility in the Maine State Retirement System Life Insurance Program      LD 1107**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-363

Public Law 2003, chapter 485 allows a member of the Maine State Retirement System who has life insurance coverage as a retiree, but who becomes reemployed in a position that qualifies for life insurance, to purchase active employee coverage at the person's own expense.

**PUBLIC 486      An Act Concerning Retirement Benefits for State Employees      LD 1009**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM    MAJ	H-441
DAGGETT	ONTP      MIN	S-298   CATHCART

Public Law 2003, chapter 486 allows Maine State Retirement System retirees to have their average final compensation calculated as if they did not take days off without pay during the 2002-2003 fiscal year, provided they elect at the time of retirement to make a retroactive payment of the contribution that would have been made on that compensation, plus interest. This applies to persons who took days off without pay pursuant to legislative action, Executive Order, or authorization of the State Court Administrator, and who use 2002 or 2003 as one of their high-three years of compensation.

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**PUBLIC 489**      **An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers**      **LD 1435**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT	OTP-AM	H-452 S-310 CATHCART

Public Law 2003, chapter 489 provides safeguards for persons who volunteer to perform search and rescue activity at the request of a state, county or local government. It provides immunity from lawsuits for injury or damage while the person is conducting search and rescue by including those persons as “employees” under the Maine Tort Claims Act. It also includes those persons as employees of the state for workers’ compensation purposes, but only if the person is certified by the Maine Emergency Management Agency as a qualified search and rescue worker.

**P & S 6**      **An Act to Establish the Administrative Operating Budget for the**      **LD 11**  
**EMERGENCY**      **Maine State Retirement System for the Fiscal Year Ending June 30,**  
**2004**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-63

Private and Special 2003, chapter 6 provides an allocation of \$9,959,245 for the operating budget of the Maine State Retirement System for fiscal year 2003-04.

Private and Special Law 2003, chapter 6 is an emergency measure and takes effect July 1, 2003.

**P & S 23**      **An Act To Allocate a Portion of the Reed Act Distribution of 2002**      **LD 1552**  
**To Use for the Administration of the Unemployment Insurance and**  
**Employment Services Programs**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS TREADWELL	OTP-AM	S-180

Under federal law, money in the federal Unemployment Trust Fund may be distributed to the states, to be used for state unemployment and employment services programs, when the balance in the federal Trust Fund exceeds a certain amount. Such a distribution is known as a “Reed Act” distribution. Maine received a Reed Act distribution in 2002 of \$32,486,816.

Private and Special Law 2003, chapter 23 authorizes the use of \$9,760,000 of these funds to maintain and operate the State's unemployment and employment offices, including expanded unemployment, employment and labor market information program services for workers and employers in the State; expanded customer access options for program services; toll-free customer access to unemployment services delivered via telephone;

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technology improvements; and accessibility improvements to the offices in Augusta. The remainder of the Reed Act funds would remain in the federal Unemployment Trust Fund, accessible by the State, to pay unemployment benefits when needed.

**RESOLVE 63**      **Resolve, Directing the Department of Labor, Bureau of Unemployment Compensation To Provide Access to a Toll-free Telephone Number**      **LD 116**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM    MAJ ONTP      MIN	H-518 SMITH W S-168

Resolve 2003, chapter 63 requires the Department of Labor, Bureau of Unemployment Compensation to provide a toll-free telephone line if, and to the extent that, funds are allocated for that purpose from the Reed Act Distribution of 2002. The line would allow persons to obtain information about unemployment benefits and to file for benefits. See also LD 1552, Private and Special Law 2003, chapter 23.

**RESOLVE 74**      **Resolve, Regarding Legislative Review of Chapter 14: Rules**      **LD 1627**  
**EMERGENCY**      **Governing Alternative Methods of Payment of Overtime for**  
**Certain Drivers and Drivers Helpers, a Major Substantive Rule of**  
**the Department of Labor, Bureau of Labor Standards**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ OTP-AM    MIN	H-556

Resolve 2003, chapter 74 authorizes final adoption of Department of Labor Rule Chapter 14, which sets forth an alternative method of payment for overtime worked by certain trucker drivers and drivers' helpers, allowing employers to pay on a basis other than hours worked, e.g., by miles driven. The Resolve also requires the Department of Labor to seek an opinion of the Attorney General regarding the Department's ability to take into account the number of hours worked outside the State in determining the required amount of pay for work conducted within the State. The Department must meet with the Labor Committee in September, 2003 to discuss the Attorney General's opinion and the Department's response to the opinion.

Resolve 2003, chapter 74 was finally passed as an emergency measure, effective June 16, 2003.

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**RESOLVE 76  
EMERGENCY**

**Resolve, To Create the Task Force To Study Parity and Portability  
of Retirement Benefits for State Law Enforcement Officers,  
Municipal and County Law Enforcement Officers and Firefighters**

**LD 1343**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS	OTP-AM	H-190 S-275 GAGNON

Resolve 2003, chapter 76 creates an 8-member task force to review the differences in retirement benefits offered to state, county and local law enforcement officers and firefighters, to develop options for providing parity and improving portability of benefits, and review differences in benefits among municipal law enforcement officers and firefighters in different municipalities and consider creating a uniform benefit plan.