Joint Standing Committee on Labor

LD 136 **An Act Relating to Employment Contracts** **VETO SUSTAINED**

Sponsor(s)	Committee Report		Amendments Adopted
AHEARNE	OTP-AM	MAJ	H-1018
PARADIS	ONTP	MIN	

LD 136 proposed to repeal the provisions in current law that attempt to restrict an employer's right to hire replacement workers during a labor dispute, since those provisions were found by the state Superior Court Chief Justice to be preempted by the National Labor Relations Act.

The bill also proposed to add a provision requiring that a contract between an employer and replacement workers provide that when the strike is settled or if the employees offer unconditionally to return to work, the replacement workers would not be retained in preference to the strikers.

Committee Amendment "A" (H-1018) proposed to replace the bill. It proposed to invalidate a contract that attempts to prevent an employer from rehiring employees displaced during a labor dispute and from removing workers who were hired to replace striking employees. It proposed to specify that no cause of action lies in state courts to require an employer to retain an employee or employees hired to replace workers who participate in a labor dispute.

LD 357 **An Act Raising the Minimum Wage** **VETO SUSTAINED**

Sponsor(s)	Committee Report		Amendments Adopted
HATCH	OTP-AM	MAJ	H-918
DOUGLASS	ONTP	MIN	

LD 357 proposed to raise the state minimum wage to $5.50 per hour, beginning January 1, 2000 and to $6.00 per hour starting January 1, 2001. The bill also proposed to adjust the minimum wage on each January 1st thereafter to reflect the percentage change in the Consumer Price Index for the previous 12 months.

Committee Amendment "A" (H-918) proposed to replace the bill. It proposed to raise the minimum wage to $5.75 per hour beginning January 1, 2001 and to $6.25 per hour beginning January 1, 2002. It also proposed to adjust the minimum wage every 3rd January 1st thereafter, based on the 3-year average increase in the Consumer Price Index.

LD 586 **An Act to Abolish Apportionment in Workers' Compensation Claims** **ONTP**

Sponsor(s)	Committee Report		Amendments Adopted
MILLS	ONTP	MAJ	
	OTP-AM	MIN	

LD 586 proposed to adopt the "last injury rule" for workers' compensation cases where an employee suffers multiple successive injuries in the employment of 2 or more employers or under 2 or more insurers. Instead of apportioning responsibility among all employers in whose employment the worker was injured, the last injury rule assigns all responsibility to the last employer.

Committee Amendment "A" (S-483) proposed to clarify the bill and to add provisions to ensure that the rights of injured workers would not be impaired by adoption of the last injury rule.

LD 810 **An Act to Encourage Responsible Employment Practices** **PUBLIC 649**

Sponsor(s)	Committee Report		Amendments Adopted
CATHCART	OTP-AM	MAJ	S-535
SHIAH	ONTP	MIN	

LD 810 proposed to establish employment practices that must be met by all employers who engage in public improvement or public works projects for the State, including a requirement that the employer provide health insurance coverage to employees and pay at least 50% of the cost of that coverage.

Committee Amendment "A" (S-535) proposed to replace the bill. It proposed to authorize the Director of the Bureau of Labor Standards within the Department of Labor to review information relating to an employer's compliance with workers' compensation and unemployment compensation laws during investigations to enforce laws under the jurisdiction of that bureau. It also proposed to require the director to report suspected violations of workers' compensation and unemployment compensation laws to the agencies responsible for enforcing them.

Enacted law summary

Public Law 1999, chapter 649 authorizes the Director of the Bureau of Labor Standards within the Department of Labor to review information relating to an employer's compliance with workers' compensation and unemployment compensation laws during investigations to enforce laws under the jurisdiction of that bureau. It also requires the director to report suspected violations of workers' compensation and unemployment compensation laws to the agencies responsible for enforcing them.

LD 835 **Resolve, to Study Pension Plan Design and Benefits under the Maine State Retirement System** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
MURPHY T	OTP-AM	

LD 835 proposed to establish the Commission to Study the Interrelationship among the Maine State Retirement System, federal Social Security System and Tax-advantaged Accounts. The commission would have consisted of 12 members, 6 with expertise or experience in retirement systems and 6 who are Legislators and would have reported to the Second Regular Session of the 119th Legislature and the Joint Standing Committee on Labor.

Committee Amendment "A" (H-1054) proposed to replace the resolve and to direct the Joint Standing Committee on Labor to study the design of pension plans for state employees and teachers, the level and equity of the benefits and early retirement options available under those plans and submit a report for consideration by the First Regular Session of the 120th Legislature. At the end of the session, the study was not funded and the Labor Committee will conduct the study as part of its monthly meetings during the interim.

LD 987 **An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies** **ONTP**

Sponsor(s)	Committee Report		Amendments Adopted
MILLS	ONTP	MAJ	
	OTP	MIN	

LD 987 proposed to allow enforcement of provisions in public school teacher contracts relating to educational policy.

LD 1019 **An Act to Limit Mandatory Overtime** **PUBLIC 750**

Sponsor(s)	Committee Report		Amendments Adopted
HATCH	OTP-AM	A	H-1145 HATCH
RUHLIN	ONTP	B	H-893
	OTP-AM	C	

LD 1019 proposed to prohibit an employer from requiring an employee to work more than 40 overtime hours in any period of 2 calendar weeks and to count the hours worked over 8 in a day or 40 in a week as overtime. It also proposed to prohibit an employer from retaliating against an employee who does not consent to work those hours.

Committee Amendment "A" (H-893) proposed to replace the bill. It proposed to change the limit on overtime to 80 hours in a 2-week period, to apply the law to all employers including the State and to exempt from the limit certain types of work and certain employees, including essential public service

workers, seasonal employees, certain salaried workers, employed immediate family members and work performed in response to an emergency declared by the Governor under state law.

House Amendment "A" to Committee Amendment "A" (H-1145), proposed to add to the list of employees who are exempt from the overtime limit employees who work during a shut-down operation for annual maintenance and medical interns and residents working in a health care facility.

Enacted law summary

Public Law 1999, chapter 750 prohibits an employer from requiring an employee to work more than 80 overtime hours in any period of 2 calendar weeks and prevents the employer from retaliating against an employee who does not consent to work those hours. The following employees and types of work are exempted from the limit: essential public service workers such as utility workers and road maintenance crews, seasonal employees, executives whose annual salary exceeds 3000 times the minimum wage, employees who work during a shut-down operation for annual maintenance, medical interns and residents working in health care facilities, fisheries employees, agricultural workers, domestic workers, salespeople, camp counselors, cottage industry workers, employed immediate family members and work performed in response to an emergency declared by the Governor under state law.

LD 1091 **An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit** **PUBLIC 537**

Sponsor(s)	Committee Report	Amendments Adopted
MCKEE DAGGETT	OTP-AM	H-785

LD 1091 which was carried over from the First Regular Session of the 119th Legislature proposed to provide that annual payments for purchase of service credits by members of the Maine State Retirement System may be either by a single yearly payment or by periodic payments through payroll deduction. Service credits could also be purchased by a single lump sum, which would be unaffected by this bill.

Committee Amendment "A" (H-785) proposed to provide that annual payments for payment of contributions for back time, repayment of contributions or purchase of service credit by members of the Maine State Retirement System made by single annual payments or periodic payments through payroll deduction be made at a rate that will allow for some progress in the purchase of credit provided for in the bill. The amendment also proposed to provide a delayed effective date for the bill and add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 537 provides that annual payment of contributions for purchase of back time, repayment of contributions or purchase of service credit by members of the Maine State Retirement System may be made by periodic payments through payroll deduction in addition to a single annual payment which was previously authorized by law. Whichever method of payment is used, the new law also requires that payments must be made at a rate that will allow for some progress in the purchase of credit rather than just paying off the interest. The change in the law takes effect March 1, 2001.

LD 1165 **An Act Regarding the Retirement Plan for Rangers in the Law Enforcement Bargaining Unit at Baxter State Park** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
MICHAUD	OTP-AM	MAJ	
STANLEY	ONTP	MIN	

LD 1165 was carried over from the First Regular Session of the 119th Legislature. It proposed to permit law enforcement officers employed by the Baxter State Park Authority to opt to retire at age 50 after 25 years of service and retain the current option to choose, instead, to retire at age 55 after 25 years of service.

Committee Amendment "A" (S-685) proposed to replace the bill and replace the title. The amendment proposed to extend coverage of Baxter State Park rangers under the 1998 Special Retirement Plan back in time to July 1, 1998. The rangers were covered by the plan last year effective January 1, 2000. The amendment also proposed to provide coverage under the 1998 Special Retirement Plan effective August 6, 2000 for special investigators and researchers in the Attorney General's Office who are sworn law enforcement officers.

The amendment also proposed to add an appropriation section and a fiscal note to the bill.

LD 1166 **An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAND	ONTP	
HATCH		

LD 1166 proposed to establish workplace health and safety standards for the use of video display terminals.

LD 1246 **An Act to Protect the Rights of Judicial Employees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FULLER	ONTP	

LD 1246 proposed to specify that persons who have worked for the Judicial Department for at least 6 months and who meet the common law definition of “employee”, are employees for purposes of the Judicial Employees Labor Relations Act, even if they were hired outside the state personnel process.

LD 1262 **An Act to Increase the Minimum Wage in Maine** **UNSIGNED**

Sponsor(s)	Committee Report		Amendments Adopted	
PINGREE	OTP-AM	MAJ	S-534	
ROWE	ONTP	MIN	S-620	DOUGLASS
			S-809	DOUGLASS

LD 1262 proposed to increase the minimum wage to $5.65 per hour beginning January 1, 2000 and to $6.15 per hour beginning January 1, 2001.

Committee Amendment "A" (S-534) proposed to increase the minimum wage to $5.65 per hour beginning September 1, 2000 and to $6.25 per hour beginning September 1, 2001.

Senate Amendment "A" (S-620) proposed to strike the section appropriating funds to reprint and mail the minimum wage poster and to require the Commissioner of Labor to pay those expenses from the department's Special Administrative Expense Fund.

LD 1357 **Resolve, to Create a Commission to Study the Hearing Process of the Workers' Compensation Board** **ONTP**

Sponsor(s)	Committee Report		Amendments Adopted
HATCH	ONTP	MAJ	
CATHCART	OTP-AM	MIN	

LD 1357 proposed to create a 6-member commission to study the hearing process of the Workers' Compensation Board.

LD 1358 **An Act to Promote Stability in Labor Management Relations in the Public Sector** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
HATCH	OTP-AM	A	
CATHCART	ONTP	B	

LD 1358 proposed that the terms and conditions of an expired collective bargaining agreement remain in effect until a new contract is executed.

Committee Amendment "A" (H-433) proposed to replace the bill with language providing that the grievance arbitration provisions of a collective bargaining agreement continue after expiration of the agreement. In interpreting the contract after expiration, the amendment proposed that the arbitrator make decisions consistent with the Maine Labor Relations Board standard for maintaining the status quo after expiration of a contract.

LD 1377 **Resolve, Directing the Department of Labor to Establish Standards for Providing Heat in Buildings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BOLDUC	ONTP	

LD 1377 proposed to direct the Department of Labor to develop standards that employers must follow in maintaining heat in buildings that are occupied by employees.

LD 1730 **An Act to Increase Health Insurance Benefits for Retired Educators** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted	
CATHCART	OTP-AM	MAJ	H-794	HATCH
HATCH	ONTP	MIN	S-480	

LD 1730 proposed to increase the State's contribution for health insurance for retired educators from 30% to 35% beginning January 1, 2000 and from 35% to 40% beginning January 1, 2001. The bill as amended by Committee Amendment B and House Amendment A was passed in the House but not funded off the Appropriations Table and died on adjournment.

Committee Amendment "B" (S-480) proposed to change the date proposed in the bill on which the State will begin to pay 35% of the cost of retired educators' health insurance from January 1, 2000 to July 1, 2000. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

House Amendment "A" to Committee Amendment "B" (H-794) proposed to correct the amount that represents the State's share of the cost of health insurance premiums.

LD 1767 **An Act to Allow Recovery of Provisional Payments by Employee Benefit Plans** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MAYO	ONTP	
LAFOUNTAIN		

LD 1767 was carried over from the First Regular Session of the 119th Legislature. It proposed to allow an employer or organization making provisional payments through a self-funded health plan or employee welfare benefit plan to recover those payments from the disability retirement benefit due the member from the Maine State Retirement System. An administrative agreement that eliminated the need for the bill was worked out between the Maine State Employees Union and the Retirement System; and the bill was reported out ONTP.

LD 1790 **An Act to Amend the Laws Governing the Designation of a Beneficiary of Maine State Retirement System Benefits** **PUBLIC 744 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MURRAY	OTP-AM	S-684
		S-715 MURRAY

Current law requires that a recipient of reduced benefits with a designated beneficiary under the Maine State Retirement System who remarries, either following the death of the recipient's spouse or divorce, and who wants to change the beneficiary must name the recipient's new spouse as beneficiary and obtain the permission of the ex-spouse, if living, or have been remarried for at least 6 months.

LD 1790 which was carried over from the First Regular Session of the 119th Legislature proposed to remove the restrictions on who may be named as a new beneficiary, allowing the recipient to name anyone, not just a spouse. The bill proposed to continue the current requirement that the original beneficiary be informed by the Maine State Retirement System that the recipient is changing the beneficiary.

Committee Amendment "A" (S-684) replaced the bill and proposed to amend benefit options for retirees and notice requirements to spouses of retirees. The amendment proposed to allow a one-time change of a retiree's beneficiary for retirement benefits without the permission of the beneficiary if the beneficiary is not the spouse or ex-spouse of the retiree. The amendment proposed to establish 3 new retirement benefit options that allow a retiree in certain circumstances to have the retiree's reduced benefit restored to full benefits if the named beneficiary dies before the retiree. The amendment proposed to add new language to authorize concurrent payments of retirement benefits to a retiree and a beneficiary during the life of the retiree. The amendment also proposed to require notice to a member's spouse if the member elects a retirement option that does not name the spouse as beneficiary. Finally, the amendment would apply the provisions of the amendment applying to state employees and teachers to judges and employees of participating local districts. The amendment also proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-715) proposed to clarify that, if the recipient of a reduced retirement benefit under the Maine State Retirement System utilizes the one-time option provided in the committee amendment to designate a new nonspousal beneficiary, that beneficiary may receive benefits only under the same terms and conditions as and only during the normal life expectancy of the prior designated beneficiary. The amendment also proposed to add an emergency preamble and emergency clause.

After enactment of the bill, the new law was amended retroactively in the Errors Bill (P.L. c. 790, Part K) to provide that only provisions authorizing a one-time change in beneficiary are emergency provisions that take effect immediately. The rest of the law takes effect 90 days after adjournment of the Second Regular Session.

Enacted law summary

Public Law 1999, chapter 744 expands the retirement benefit payment options available to members of the Maine State Retirement System and the notice requirements to spouses of those members. A retiree may make a one-time change of the retiree's previously designated beneficiary for retirement benefits without the permission of the beneficiary if the beneficiary is not the spouse or ex-spouse of the retiree. The new

beneficiary receives benefits under the same terms and conditions as the prior beneficiary and only until the new beneficiary dies or during the actuarially determined expected life of the prior beneficiary, whichever occurs first.

Three new retirement benefit payment options are established that allow a retiree, in certain circumstances, to have the retiree's reduced benefit restored to full benefits if the named beneficiary dies before the retiree. The new law authorizes the option of concurrent payments of retirement benefits to a retiree and a beneficiary during the life of the retiree. Notice to a member's spouse is required if the member elects a retirement option that does not name the spouse as beneficiary

Public Law 1999, chapter 744 was enacted as an emergency measure effective May 3, 2000. However, chapter 744 was amended in the Errors Bill (Public Law 1999, chapter 790, part K) so that only the provisions authorizing a one-time change of a non-spousal beneficiary without the permission of the beneficiary take effect immediately. The other provisions of chapter 744 take effect August 11, 2000.

LD 1864 **An Act Concerning the Political Use of Union Dues** **ONTP**

Sponsor(s)	Committee Report		Amendments Adopted
MARVIN	ONTP	MAJ	
	OTP	MIN	

LD 1864 proposed to prohibit an employer from withholding wages to be used for political purposes and to prohibit a labor organization from using dues or fees for political purposes unless the employee whose wages are being used has authorized the withholding or use.

LD 1908 **An Act to Establish as an Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HATCH	ONTP	
CATHCART		

LD 1908 proposed to provide that any person who is paid a wage, salary or anything of value to collect signatures on petitions for direct initiative or a people's veto is an employee of any person, firm or organization that contracted, subcontracted or agreed to provide for the collection of those signatures.

LD 1927 **An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
TREAT	OTP-AM	MAJ	
MCKEE	ONTP	MIN	

LD 1927 proposed to allow a person to receive dislocated worker benefits to provide extended benefits to enable the person to complete a training or educational program following a layoff. Benefits would be paid only after the person exhausted unemployment compensation and federal Trade Act benefits, and only if the person used up some of the 26 weeks of unemployment compensation to which the person is entitled during intermittent periods of layoff before being completely laid off and available for training or education programs. The bill also proposed to require the Department of Labor to make eligibility determinations for workers who apply to participate in training programs under the federal Trade Act within 20 days of the date of the worker's application, or earlier if needed to allow the person to enroll in an educational institution or training program.

Committee Amendment "A" (S-569) proposed to replace the bill. It proposed to create a fund within the Department of Labor to provide weekly benefits to workers who used up some of their unemployment compensation benefits before being finally laid off, rather than paying those benefits out of the Unemployment Compensation Fund as proposed in the bill.

LD 1988 **An Act to Provide for Benefits to Surviving Dependents of Employees Who Die as a Result of Work Injuries** **ONTP**

Sponsor(s)	Committee Report		Amendments Adopted
HATCH	ONTP	MAJ	
CAREY	OTP-AM	MIN	

LD 1988 proposed to remove the 500-week cap on death benefits payable to the surviving dependents of an employee who dies as a result of workplace injuries. It also proposed an annual adjustment of the weekly benefit so that the benefit would be the same percentage of the state’s average weekly wage as it was at the time of the employee’s injury.

LD 1989 **An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected** **DIED IN CONCURRENCE**

Sponsor(s)	Committee Report		Amendments Adopted
RICHARDSON J	ONTP	MAJ	
	OTP-AM	MIN	

LD 1989 proposed to allow binding arbitration of matters relating to salary, pensions and insurance for state, legislative and municipal employees. It also proposed a process for sending the arbitrators' determination to municipal voters or the Legislature for approval, when the arbitrators do not select the last best offer of the municipality or Legislature.

LD 1995 **An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption** **PUBLIC 610**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	OTP-AM	H-857
KILKELLY		

LD 1995 proposed to clarify the exemption in workers' compensation law for agricultural and aquacultural laborers by specifying that an employer who has employed more than 6 laborers for 240 man hours or more per week is not entitled to the exemption.

Committee Amendment "A" (H-857) proposed to replace the bill. It proposed to rewrite the paragraph relating to the agricultural exemption to clarify it. As amended, the law would exempt employers of agricultural or aquacultural employees if they employ 6 or fewer such laborers or they employ more than 6 but the total number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 in any week during the year prior to an injury.

Enacted law summary

Public Law 1999, chapter 610 revises the provision of law exempting certain agricultural employees from the workers' compensation law. It provides that employers of agricultural or aquacultural employees are exempt from the requirement to provide workers' compensation coverage if they employ 6 or fewer such laborers or they employ more than 6 but the total number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 in any week during the year prior to an injury.

LD 2075 **An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
COWGER	OTP-AM	MAJ	H-1034
DOUGLASS	ONTP	MIN	

LD 2075 proposed to allow a person suffering from an occupational disease to recover under the occupational disease law for diseases caused by exposure to one or more of 30 chemicals and metals listed in the bill, regardless of when incapacity from the disease occurred. Under current law, a worker is entitled to benefits under the occupational disease law only if the worker becomes incapacitated within 3 years of the last exposure to the disease-causing element, with some exceptions. It also proposed to extend the notice period from 90 days to 180 days, make all employers in whose employment the worker was exposed liable for the disease, require appointment of impartial physicians in all occupational disease cases, and eliminate apportionment in cases where non-employment causes contributed to the incapacity.

Committee Amendment "A" (H-1034) proposed to replace the bill with a proposal to change the definition of "date of injury" under the occupational disease law from the date of incapacity to the date the employee knew or should have known of the nature and seriousness of the disease and the causal relationship between the employment and the disease.

LD 2076 **An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STANLEY	ONTP	
MICHAUD		

LD 2076 proposed to move the program for monitoring, auditing and enforcement of the workers' compensation system from the Workers' Compensation Board to the Bureau of Insurance.

LD 2104 **An Act to Provide Equity for Unemployment Compensation** **ONTP**

Sponsor(s)	Committee Report		Amendments Adopted
KILKELLY	ONTP	MAJ	
RINES	OTP-AM	MIN	

LD 2104 proposed to eliminate the law reducing unemployment benefits for a person who receives a Social Security pension based on that person's work history, to equalize treatment of such persons with persons who receive a Social Security pension based on their spouse's work history.

LD 2124 **An Act to Change the State Retirement System from a Defined Benefit Plan to a Defined Contribution Plan** **DIED IN CONCURRENCE**

Sponsor(s)	Committee Report		Amendments Adopted
MACK	ONTP	MAJ	
	OTP-AM	MIN	

LD 2124, which was carried over from the First Regular Session of the 119th Legislature, proposed to establish a defined contribution retirement plan for state employees and teachers hired on or after July 1, 2000. Active employees on July 1, 2000 have a choice of remaining in the current defined benefit retirement plan or joining the new plan. Under the defined contribution plan, the employer matches the employee's contribution of 6% of salary. The employee exercises sole authority over selection and management of investment options meeting Internal Revenue Code, Section 401(k) requirements.

Committee Amendment "A" (H-1094) was the minority report of the committee. The amendment proposed to make participation in the defined contribution plan established in the bill optional for state employees and teachers, provide for a range of investment options for participants, provide for disability

and death benefits for participants, require continued payment of the existing unfunded liability of the retirement system by the state contribution on behalf of participants, clarify participant and employer contributions rates, prescribe the bidding process for selection of contract providers to manage the defined contribution plan and appropriate money to contract with providers to perform the calculation of the present value of current members' future retirement benefits necessary for the transition from the current defined benefit plan to the new defined contribution plan provided in the bill. The amendment also proposed to make several technical amendments to the bill to allow implementation by July 1, 2001.

The amendment proposed to add a fiscal note to the bill.

LD 2147 **An Act to Ensure Just Cause Termination in Employment** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
BRYANT	OTP-AM	MAJ	
CAREY	ONTP	MIN	

LD 2147 proposed to prohibit a private employer from terminating an employee without “just cause,” to define “just cause” and to allow a person to seek remedies for wrongful termination through a civil action.

Committee Amendment "A" (H-1024) proposed to replace the bill. It proposed to require employers to inform each employee in writing of the circumstances under which the employee may be terminated. Unless a collective bargaining agreement, contract or employee handbook covered the employee, the amendment proposed that the employer notify the employee that he or she is an “at-will employee” and may be terminated for any cause not specifically prohibited by law, such as illegal discrimination. If an employee who did not receive the required notice was terminated or if the employee's termination was not consistent with the terms of the handbook, the employee would be allowed to bring suit in Superior Court for reinstatement and back pay.

LD 2177 **An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARRIMAN	ONTP	

LD 2177 was carried over from the First Regular Session of the 119th Legislature. It proposed to amend the provisions of the Maine State Retirement System to require that all benefits paid on the death of a participating member are paid to the surviving spouse of that member. The spouse of a member could waive this requirement by filing a waiver with the Board of Trustees of the Maine State Retirement System. If the participating member is not married, then the beneficiary designated by that member would receive the benefits. LD 1790 is a related bill.

LD 2185 **Resolve, Relating to Protection from Bloodborne Pathogens for Maine Workers** **RESOLVE 115 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
FULLER	OTP-AM	H-948
KILKELLY		H-999 BULL

LD 2185 proposed to require the Department of Human Services to adopt rules to protect public employees from sharp object injuries. The rules would be at least as prescriptive as the federal Occupational Safety and Health Administration's standard for protection against bloodborne pathogens. The bill also proposed to establish a fund to provide for research, development and product evaluation of needleless systems and sharp object protection.

Committee Amendment "A" (H-948) proposed to replace the bill and change it to a resolve. The resolve proposed to require the State's Board of Occupational Safety and Health, which regulates public-sector places of employment, to adopt rules that are at least as protective of employees as a November 5, 1999 directive published by the federal Occupational Safety and Health Administration, or "OSHA." That directive interprets the OSHA bloodborne pathogen regulation.

The amendment also proposed to require the Department of Labor and the Department of Human Services to survey health care providers to collect information on the use of needleless systems and other safe needle devices, as well as on plans to adopt such systems.

House Amendment "A" to Committee Amendment "A" (H-999) proposed to require the departments conducting the survey to include field health care providers, including, but not limited to, emergency medical technicians, in the survey.

Enacted law summary

Resolve 1999, chapter 115 requires the State's Board of Occupational Safety and Health to adopt rules relating to bloodborne pathogens in public sector places of employment that are at least as protective as the federal directive governing private sector places of employment. The Resolve also requires the Department of Labor and the Department of Human Services to survey health care providers to collect information on the use of needleless systems and other safe needle devices, as well as on plans to adopt such systems. The departments must submit information collected by the survey in a report to the joint standing committee of the Legislature having jurisdiction over labor matters.

Resolve 1999, chapter 115 was finally passed as an emergency measure effective April 14, 2000.

LD 2194 **An Act Regarding Doing Business with Burma** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CATHCART	ONTP	

LD 2194 proposed to prohibit investment of public funds in companies doing business with Burma, and to limit the award of public contracts to such companies.

LD 2251 **An Act to Provide Health Insurance Benefits to Dwight Parsons** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
FERGUSON GAGNE	OTP-AM	

LD 2251 proposed to provide health insurance benefits under the State Employee Health Insurance Program to Dwight Parsons, a 30-year state employee who did not apply for the health benefits in time.

Committee Amendment "A" (S-481) proposed to clarify the level of benefits to be provided to Dwight Parsons and adds an appropriation section and a fiscal note to the bill.

LD 2318 **An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-1075

LD 2318 was recommended by the Committee to Study Standardized Periods of Military Service and Other Matters Related to the Award of State of Maine Veterans' Benefits. This bill proposed to reduce from 15 to 5 the number of years of creditable service a state employee who is a member of the Maine State Retirement System must have before the employee is eligible to purchase service credit for service in the Armed Forces of the United States. It also proposed to remove a requirement that members joining after January 1, 1976 have served in a federally recognized period of conflict to be eligible to purchase military service credits. Finally it would have allowed a dishonorably discharged member to purchase service credit if the discharge was later upgraded through a general amnesty program.

Committee Amendment "A" (H-1075) proposed to strike from the bill provisions that would have allowed a member of the Maine State Retirement System who was dishonorably discharged from the military to purchase credit for that military service if the discharge was upgraded through a program of general amnesty and would have made the bill applicable to members of the retirement system through participating local districts. The amendment also proposed to add a fiscal note to the bill.

LD 2352 **An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2001** **P & S 69 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-844

LD 2352 presented the fiscal year 2000-01 operating budget of the Maine State Retirement System to the Legislature for approval as required by state law. Section 1 of the bill identifies the Maine State Retirement System's personal services costs and its costs for all other operating expenses. Section 2, provided for information purposes, presents the attribution of expenses to the 3 Maine State Retirement System member/employer categories: General Fund, Non-General Fund and Participating Local District.

Committee Amendment "A" (H-844) proposed to reduce the Retirement System's administrative operating budget by $119,620, increase the amount of the budget to be provided from the system's reserve account by $108,000 and add a fiscal note.

Enacted law summary

Private and Special Law 1999, chapter 69 establishes the administrative operating budget for the Maine State Retirement System for fiscal year 2000-2001 in the amount of $8,387,142. Referral of the budget to the Labor Committee and approval by the Legislature has been required since the system was granted independent agency status in 1993.

Private and Special Law 1999, chapter 69 was enacted as an emergency measure effective July 1, 2000.

LD 2363 **An Act Regarding Length of Service, Retirement Age and Retirement Benefits for State Police Officers and Certain Other State Employees** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report		Amendments Adopted
DAVIS P	OTP-AM	A	
CARR	OTP-AM	B	
	OTP-AM	C	

LD 2363 proposed that a state police officer would qualify for full benefits under the Maine State Retirement System if the officer was hired after August 31, 1984 and completed 25 years of creditable service. This bill also proposed to remove state police officers from the coverage under the 1998 Special Plan.

Committee Amendment "A" (S-643), the majority report of the committee, proposed to make several technical amendments to the bill to fully implement its intent to remove state police officers from the 1998 special retirement plan and establish a 25-years-of-service and no-age-requirement retirement plan for state police officers. The amendment proposed to clarify that state police officers who elected an option available under prior law to pay increased contributions to purchase an early retirement plan similar to that being established by the bill would have their excess contributions refunded with interest.

The amendment also proposed to add direct care mental health workers in the Department of Mental Health, Mental Retardation and Substance Abuse Services, certain hazardous material responders in the Department of Environmental Protection and Capitol Security officers to the 1998 Special Retirement Plan. Under that existing plan a member qualifies for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service in a covered capacity. A reduced retirement benefit is available before age 55 if the member has completed at least 25 years of creditable service.

The amendment also proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

The provisions of this amendment affecting state police were incorporated into the budget bill (P.L. c. 731, Part CC).

Committee Amendment "B" (S-644) is a minority report, Report B, of the Labor Committee. The amendment proposed to replace the bill and establish a legislative commission to study the need for early retirement options and special retirement plans for state employees engaged in law enforcement, public safety, institutional direct care services and other dangerous or stressful jobs. The commission would also be directed to consider the costs and benefits to the State and employees of providing early retirement options and special retirement plans for certain categories of state employees and to develop criteria and procedures for deciding which categories of employees should have the options.

The amendment also proposed to add an appropriation section and a fiscal note.

Committee Amendment "C" (S-645) is a minority report, Report C, of the committee. The amendment proposed to make several technical amendments to the bill to fully implement its intent to remove state police officers from the 1998 special retirement plan and establish a 25-years-of-service and no-age-requirement retirement plan for state police officers. The new early retirement plan for state police officers would be retroactive to date of hire for current officers. The amendment proposed to clarify that state police officers who elected an option available under prior law to pay increased contributions to purchase an early retirement plan similar to that being established by the bill would have their excess contributions refunded with interest. The amendment also proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-739) proposed to remove the State Police from coverage under the bill (the provisions covering them were included in the budget bill, P.L. c. 731, Part CC) but would have retained the provisions that add direct care mental health workers in the Department of Mental Health, Mental Retardation and Substance Abuse Services, certain hazardous material responders in the Department of Environmental Protection and Capitol Security officers to the 1998 Special Retirement Plan.

LD 2364 **An Act to Restore Early Retirement Options for Teachers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE SULLIVAN	ONTP	

LD 2364 proposed to reduce the early retirement penalty for teacher members of the Maine State Retirement System and provide for a study of the options available for teachers to retire early. See LD 835.

LD 2410 **An Act to Amend Requirements for Maine Technical College System Employees Participating in a Defined Contribution Plan** **PUBLIC 614**

Sponsor(s)	Committee Report	Amendments Adopted
HATCH DOUGLASS	OTP-AM	H-895

LD 2410 proposed to amend the Maine State Retirement System law pertaining to the defined contribution plan for Maine Technical College System employees in accordance with recent reduction in Maine State Retirement System vesting requirements from 10 to 5 years.

Committee Amendment "A" (H-895) proposed to clarify proposed language in the original bill regarding use of the term “vesting” The amendment also proposed to add a fiscal note.

Enacted Law Summary

Public Law 1999, chapter 614 amends the law establishing a defined contribution retirement plan option for certain employees of the Maine Technical College System to be consistent with the reduction from 10 to 5 years of the amount of creditable service necessary to qualify for a Maine State Retirement System benefit, which was enacted last year. The requirement that eligible MTCS employees who are members of the Retirement System and who do not have at least 10 years of creditable service must apply for a refund of accumulated contributions to the Retirement System is changed to say that any member who has less than the number of years of creditable service required for eligibility for a benefit must seek a refund.

LD 2416 **An Act to Limit the Duration that Businesses May Hire Employees as Temporary Employees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HATCH DOUGLASS	ONTP	

LD 2416 proposed to prohibit a business from hiring a temporary employee for a period greater than 90 days, unless the temporary employee is filling in for a permanent employee on family medical leave.

LD 2419 **An Act to Correct Inconsistencies of the Taxable Wage Amount in the Unemployment Compensation Law** **PUBLIC 555**

Sponsor(s)	Committee Report	Amendments Adopted
HATCH	OTP	

LD 2419 proposed to amend a definition in the unemployment compensation law to reflect the change in the taxable wage amount from $7,000 to $12,000, which was made in the First Regular Session of the 119th Legislature.

Enacted law summary

Public Law 1999, chapter 555 amends a definition in the unemployment compensation law to reflect the change in the taxable wage amount from $7,000 to $12,000, which was made in the First Regular Session of the 119th Legislature.

LD 2430 **An Act to Provide Pension Equity for Mental Health Workers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HATCH DOUGLASS	ONTP	

LD 2430 proposed to provide that a mental health worker in the Department of Mental Health, Mental Retardation and Substance Abuse Services qualify for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan of the Maine State Retirement System or has completed at least 25 years of creditable service. See also LD 2363. The provisions of LD 2430 were incorporated into the Committee Amendment to LD 2363.

LD 2431 **An Act to Change the Retirement Eligibility Requirements for Certain Employees of the Department of Environmental Protection** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HATCH	ONTP	

LD 2431 proposed to provide that an oil and hazardous waste materials worker in the Department of Environmental Protection qualifies for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan of the Maine State Retirement System or has completed at least 25 years of creditable service. See also LD 2363. The provisions of LD 2431 were incorporated into the Committee Amendment to LD 2363.

LD 2491 **An Act to Permit the Option of Retaining Health Insurance Coverage for Law Enforcement Personnel Who Have 25 Years of Creditable Service** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON J RAND	ONTP	

LD 2491 proposed to permit law enforcement personnel with 25 years of creditable service who are members of the Maine State Retirement System to maintain their state-paid health insurance coverage if they separate from employment prior to retirement age. In light of the majority committee report on LD 2363, this bill was given an ONTP report.

LD 2498 **An Act to Increase Access to High-quality Jobs Through the Federal Workforce Investment Act** **PUBLIC 705**

Sponsor(s)	Committee Report		Amendments Adopted
DOUGLASS	OTP-AM	MAJ	S-577
	ONTP	MIN	

LD 2498 proposed to establish standards and policies for the Department of Labor in the implementation of the federal Workforce Investment Act (WIA), including requirements that service be provided on a first-come, first-served basis and that training and job placement be based on developing self-sufficiency. It also proposed to specify that a person engaged in training under the WIA does not lose eligibility for unemployment compensation benefits.

Committee Amendment "A" (S-577) proposed to strike the provisions of the bill establishing standards and policies for the Department of Labor and the local workforce investment boards to follow in implementing the federal Workforce Investment Act. It also proposed to amend the section providing that a person in training under the Workforce Investment Act is deemed to be in approved training for purposes of qualifying for unemployment benefits, by providing that the law is not effective if inconsistent with federal law.

Enacted law summary

Public Law 1999, chapter 705 provides that a person in training under the federal Workforce Investment Act is deemed to be in approved training for purposes of qualifying for unemployment benefits, but provides that the law is not effective if inconsistent with federal law.

LD 2561 **An Act to Ensure Access to Specialists for Injured Workers** **DIED BETWEEN BODIES**

Sponsor(s)	Committee Report		Amendments Adopted
GOODWIN	OTP	MAJ	
MILLS	ONTP	MIN	

LD 2561 proposed to require an employer to pay for treatment of an injured worker by a specialist until the Workers' Compensation Board rendered a decision on the employer's appeal. If the Board determined that the employer was not required to pay for the treatment, the employer could recover the costs from the employee.

LD 2588 **An Act to Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund** **PUBLIC 740**

Sponsor(s)	Committee Report		Amendments Adopted	
	OTP-AM	MAJ	S-650	
	OTP-AM	MIN	S-711	LAFOUNTAIN

LD 2588 proposed to establish a method of determining the total amount of contributions needed from employers to maintain the solvency of the Unemployment Compensation Fund. It also proposed to prohibit the Legislature from amending the unemployment compensation law in a way that increases costs without modifying employer contributions to pay for those costs. The bill was submitted in response to Public Law 1999, chapter 464, which directed the Department of Labor to report a method for setting planned yield rates for the Unemployment Compensation Fund.

Committee Amendment "A" (S-650), the majority report of the committee, proposed to replace the bill. It proposed to remove the language in the bill requiring that benefit increase legislation include modifications to employer contributions to offset the increased costs of the benefit increase. Instead, it proposed to require the Department of Labor to conduct a study of benefit change proposals and to report to the Legislature before such a benefit change is enacted. The amendment proposed to repeal this provision in March of 2002.

The amendment also proposed to adopt the table for setting a planned yield that caps the fund at 24 months of benefits, but to provide that the table is effective only for calendar year 2001, after which the planned yield would revert to 1.1%.

Committee Amendment "B" (S-651), the minority report of the committee, proposed to replace the bill. It proposed to remove the language in the bill requiring that benefit increase legislation include modifications to employer contributions to offset the increased costs of the benefit increase. Instead, it proposed to require the Department of Labor to conduct a study of benefit change proposals and to report to the Legislature before such a benefit change is enacted. It also proposed to limit the Unemployment Compensation Trust Fund to 18 months of benefits instead of 24 as provided in the bill.

Senate Amendment "C" to Committee Amendment "A" (S-711) proposed to change the requirement that benefit change proposals be studied by the Department of Labor. It proposed to require that the study be conducted before the public hearing on the bill and changed the content of the study. It also proposed to remove the repeal of the study requirement. It proposed to remove the provision that limits use of the table for determining planned yield to the calendar year 2001 and to provide a table that caps the Unemployment Compensation Fund at between 20 and 21 months of benefits.

Enacted law summary

Public Law 1999, chapter 740 provides a method for determining the total amount that employers must contribute to the unemployment compensation fund each year, based on the number of months of benefits that could be paid by the fund at the time the determination is made. The total amount, known as the "planned yield", is expressed as a percent of total wages paid in Maine for employment covered by the unemployment compensation law. The planned yield is determined by a table, which is designed to cap the fund at between 20 and 21 months of benefits. The law also requires that any legislative measure proposing to change unemployment compensation benefits be reviewed and evaluated by the Department of

Labor before the public hearing on the proposal. The department must report its findings on matters including the impact of the proposed change on total costs, employer contributions, and recipient groups to the legislative committee considering the proposal.

LD 2590 **Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor** **RESOLVE 108 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 2590 proposed to allow the Department of Labor to finally adopt a rule governing the calculation of administrative civil money penalties for labor law violations.

Enacted law summary

Resolve 1999, chapter 108 authorizes the Department of Labor to finally adopt a rule governing administrative civil money penalties for labor law violations. The rule includes a formula for determining the amount of a penalty, based on gravity of the violation, the employer's size and history of previous violations, and the absence or presence of good faith on the part of the employer.

Resolve 1999, chapter 108 was finally passed enacted as an emergency measure effective April 10, 2000.

LD 2613 **An Act to Clarify Application of the Employment Leave Law for Victims of Violence** **PUBLIC 659**

Sponsor(s)	Committee Report	Amendments Adopted
HATCH DOUGLASS	OTP	

LD 2613 proposed to amend the law requiring employers to give employees who are the victims of violence time off from work to pursue legal protection, legal remedies and medical care and to attend to other needs created by the violence. The bill proposed to add an application section specifying that the law applies to all public and private employers and to remove the law from the subchapter governing family medical leave.

Enacted law summary

Public Law 1999, chapter 659 provides that the employment leave law for victims of violence applies to all employers, not just to employers covered by the family medical leave law.

LD 2614 **An Act to Establish Consistent Requirements in Maine State Retirement System Plans for Minimum Creditable Service for Eligibility to Receive Retirement Benefits** **PUBLIC 756**

Sponsor(s)	Committee Report		Amendments Adopted
HATCH	OTP-AM	MAJ	H-1110
DOUGLASS	OTP-AM	MIN	

LD 2614 proposed to provide consistency in the laws governing eligibility to receive retirement benefits. Consistent with the law enacted last year, the bill proposed to change the minimum creditable service for eligibility to receive retirement benefits from 10 years to 5 years for employee members of participating local districts and members of the state legislative retirement system and the judicial retirement system.

Committee Amendment "A" (H-1110) is the majority committee report. It proposed to clarify language in the bill describing the manner by which a state employee, teacher, participating local district employee or judge who is a member of the Maine State Retirement System and who had less than 10 years of creditable service on July 1, 1993 qualifies for a retirement benefit.

Enacted law summary

Public Law 1999, chapter 756 changes the minimum amount of creditable service required for eligibility to receive retirement benefits from 10 years to 5 years for employee members of participating local districts and members of the state legislative retirement system and the judicial retirement system. The reduction in required creditable service was enacted last year for state employees and teachers. This change provides consistency in the laws governing the retirement of legislators, judges and participating local district employees and those governing state employees and teachers.

LD 2652 **An Act to Ensure that Maine Citizens Injured While Working in Foreign Countries are Provided with Workers' Compensation Benefits** **INDEF PP**

Sponsor(s)	Committee Report		Amendments Adopted
HATCH	OTP-AM	MAJ	
DAGGETT	ONTP	MIN	

LD 2652 proposed to deny workers’ compensation benefits to a resident of a foreign country, province or state who is injured while working for an employer in the State if the foreign country, province or state in which that person resides does not provide for workers' compensation protection for residents of the State who are employed and injured in that foreign country, province or state.

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