

**STATE OF MAINE**  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during  
the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

July 2009

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## *Joint Standing Committee on Labor*

**LD 26      An Act To Allow the Spouse of a Retired Public Employee a Second Chance To Be Enrolled under the Retiree's Insurance Plan      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB BOWMAN	ONTP	

This bill allows a retiree covered by the state group health insurance plan to enroll a spouse for coverage under that plan if the spouse changes jobs or retires.

The Committee considered amending the bill to reflect the sponsor's intent to allow retired teachers covered by the retired teachers' health insurance plan to enroll a spouse or dependent for coverage upon retirement and to allow a one-time change of election to enroll a spouse if the spouse has a life changing event. State employees already have this option.

**LD 27      An Act To Amend the Definition of Employment for Purposes of Unemployment Compensation      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	ONTP	

Under current law, an employment relationship exists and unemployment insurance coverage is required unless all three parts of the so-called "ABC test" can be demonstrated. This bill limits application of the ABC test to situations in which the individual has performed services for a total of no less than 16 hours.

The sponsor withdrew the bill because a Governor's Task Force on Employee Misclassification has been established to look at the issue.

**LD 64      An Act To Amend the Requirements for the Livable Wage Report      PUBLIC 11**

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

This bill changes the timing of the calculation and reporting of the livable wage from annual to biennial. The change is being made because some of the data needed for the calculation is not available in time for an annual calculation. The bill also changes the yearly schedule so that the Department of Labor has 5 months to report the information instead of only one month.

### **Enacted Law Summary**

Public Law 2009, chapter 11 changes the timing of the calculation and reporting of the livable wage from annual to biennial. The calculation is made using seven expense categories (food; housing; telephone; health care; transportation; child care; and household goods, clothing, and personal care). Child care rates are only published

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biennially in the "Maine Child Care Workforce Climate Report & Market Analysis." The law also changes the yearly schedule so that the Department of Labor has 5 months to report the information instead of only one month.

**LD 65      An Act To Increase the Ability of the Maine Wage Assurance Fund To Pay Unpaid Workers**

**PUBLIC 25**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-16

This bill increases the amount that may be held in the Maine Wage Assurance Fund from \$100,000 to \$200,000.

**Committee Amendment "A" (S-16)**

This amendment adds an appropriations and allocations section to the bill.

**Enacted Law Summary**

Public Law 2009, chapter 25 increases the amount that may be held in the Maine Wage Assurance Fund from \$100,000 to \$200,000. The increase will not raise the employment tax, but will ensure that workers get paid up to two weeks of unpaid wages when a business closes with no assets.

**LD 83      An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	S-17

This bill increases the State's contribution for health insurance for retired teachers from 45% to 50% beginning January 1, 2010.

**Committee Amendment "A" (S-17)**

This amendment adds an appropriations and allocations section to the bill.

**LD 84      An Act To Ensure Fair Pay**

**PUBLIC 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-18

This bill protects employees from employer discrimination when employees inquire about, disclose, compare or otherwise discuss employee wages.

**Committee Amendment "A" (S-18)**

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This amendment clarifies that an employer may neither prohibit the inquiry nor the disclosure of an employee's wages for the purpose of enforcing the equal pay statute. It also states that there is no obligation to disclose wages.

### **Enacted Law Summary**

Public Law 2009, chapter 29 specifies that an employer may not prohibit an employee from disclosing the employee's own wages or from inquiring about another employee's wages if the purpose of the disclosure or inquiry is to enforce the equal pay statute. The law also states that there is no obligation to disclose wages.

### **LD 104      An Act To Fund Fully the Purchase of Military Time**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	H-111

This bill provides one-time funds to subsidize the purchase of military service credit for the members of the Maine Public Employees Retirement System who applied and were determined eligible to purchase the service credit for calendar year 2004 per Public Law 2003, chapter 693.

#### **Committee Amendment "A" (H-111)**

This amendment corrects the amount necessary to provide one-time funds to subsidize the purchase of military service credit for the members of the Maine Public Employees Retirement System who applied and were determined eligible to purchase the service credit for calendar year 2004 per Public Law 2003, chapter 693. The amendment is necessary because the original calculation was based on 6 individuals who are eligible. Since 2 of those individuals have already retired, the new calculation is based on the 4 remaining individuals who were determined eligible to purchase service credit for calendar year 2004.

### **LD 125      Resolve, To Establish the Blue Ribbon Commission To Study the Functions and Operations of the Maine Public Employees Retirement System**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON		

This resolve establishes a blue ribbon commission to study the functions and operations of the Maine Public Employees Retirement System.

This resolve is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

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**LD 149      An Act To Amend the Laws Relating to the Maine Jobs Council**

**PUBLIC 12**

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

This bill repeals a provision of law relating to membership of the Maine Jobs Council so that the law accurately reflects membership that is consistent with the representation requirements of the federal Workforce Investment Act of 1998. It amends provisions of law relating to the scope of work of the council's Standing Committee on Employment of People with Disabilities.

**Enacted Law Summary**

Public Law 2009, chapter 12 repeals a provision of law relating to membership of the Maine Jobs Council so that the law accurately reflects membership that is consistent with the representation requirements of the federal Workforce Investment Act of 1998. It amends provisions of law relating to the scope of work of the council's Standing Committee on Employment of People with Disabilities.

**LD 154      An Act To Enhance the Safety of Forestry Workers and Contracted Farm Workers**

**PUBLIC 201  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLODGETT	OTP-AM	H-112 S-131 JACKSON

This bill adds migrant and seasonal farm workers to the law providing protections for forestry workers. Farm labor contractors who are required to register under the federal Migrant and Seasonal Agricultural Worker Protection Act are required to file their federal registration with the state Department of Labor, listing a contact within the State. They are also required to provide first aid training, first aid kits and safe transportation for their workers.

**Committee Amendment "A" (H-112)**

This amendment clarifies that the number of occupants in a 15-person or 12-person van may not exceed 12 (11 passengers and one driver).

**Senate Amendment "A" (S-131)**

This amendment adds an emergency preamble and clause to the bill and applies the requirement that employers of bond workers provide proof of the employer's ownership of logging equipment for any temporary alien worker, not just nonagricultural temporary laborers.

**Enacted Law Summary**

Public Law 2009, chapter 201 adds migrant and seasonal farm workers to the law providing protections for forestry workers. Farm labor contractors who are required to register under the federal Migrant and Seasonal Agricultural Worker Protection Act are required to file their federal registration with the state Department of Labor listing a contact within the State. They are also required to provide first aid training, first aid kits and safe transportation for their workers. The law requires that employers of bond workers provide proof of the employer's ownership of

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logging equipment for any temporary alien worker, not just nonagricultural temporary laborers.

Public Law 2009, chapter 201 was enacted as an emergency measure effective May 26, 2009.

**LD 176      An Act To Equitably Adjust the Workers' Compensation Board's Assessment      PUBLIC 109**

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

This bill requires the Workers' Compensation Board to use collections that exceed the maximum assessment by more than 10% to reduce the assessment on insured employers.

**Enacted Law Summary**

Public Law 2009, chapter 109 requires the Workers' Compensation Board to use collections that exceed the maximum assessment by more than 10% to reduce the assessment on insured employers.

**LD 192      An Act To Index the State Minimum Wage to Inflation      Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE GERZOFSKY		

This bill provides for the state minimum hourly wage to be adjusted for inflation beginning January 1, 2010 and annually thereafter. The bill requires the Department of Labor to calculate the inflation-adjusted minimum hourly wage based on changes in the consumer price index and to exclude from the calculation any month in which the State's unemployment rate exceeds the national unemployment rate.

This bill is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 292      An Act To Restore Equity to the Maine Public Employees Retirement System      ACCEPTED ONTP REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHATZ DAMON	ONTP MAJ OTP-AM MIN	

The Maine Public Employees Retirement System currently contains 2 separate benefit structures based upon the status of participants on July 1, 1993. Part A of this bill:

1. Reduces the early retirement reduction factor from 6% to 3% for employees who were already employed in a position that is covered under the State Employee and Teacher Retirement Program, the Legislative Retirement Program or the Judicial Retirement Program on July 1, 1993, and only those employees who do not have the option

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to retire at 55 years of age under a special plan;

2. Allows the Board of Trustees of the Maine Public Employees Retirement System to reduce the payment in fiscal year 2008-09 toward the unfunded actuarial liability of the state employee and teacher retirement program and, if such a reduction is made, to apply the balance of the amount appropriated for that purpose to fund the past service liabilities created by the benefits provided under the bill, the increase in normal cost in fiscal year 2009-10 associated with the benefits provided under the bill and any increased unfunded liability payments required in fiscal year 2009-10 resulting from the reduced unfunded liability contribution in fiscal year 2008-09; and

3. Provides that the substantive changes to the Maine Public Employees Retirement System accomplished by this legislation take effect only if the Board of Trustees of the Maine Public Employees Retirement System determines that the reduction in the required unfunded liability payment in fiscal year 2008-09 is consistent with sound actuarial practice.

Part B of this bill directs the Maine Public Employees Retirement System, the Commissioner of Administrative and Financial Services and the State Employee Health Commission, within their existing resources, to design a unified pension and benefit plan to apply to all state employees and teachers that are first hired after December 31, 2010. It authorizes submission of the proposed unified pension and benefit plan, together with proposed implementing legislation, to the joint standing committee of the Legislature having jurisdiction over labor matters no later than December 10, 2009 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature. Under this unified pension and benefit plan:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to the plan will be covered under Social Security;

2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;

3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;

4. The present actuarial cost of retiree benefits under the plan will be limited to 6% of payroll to be divided equally between the employee and the employer;

5. Continuing health coverage will be offered to retirees and their dependents;

6. A retired member may receive a subsidy of up to 90% of the cost for the retiree's own health insurance and up to 45% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;

7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;

8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation times years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and

9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5 times of the member's own contribution plus 6% interest if benefits are withdrawn as cash.

**Committee Amendment "A" (H-237)**

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This is the minority report of the Joint Standing Committee on Labor. This amendment incorporates a fiscal note.

**LD 373      An Act To Facilitate Lactation at the Workplace by New Mothers**

**PUBLIC 84**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
INNES	OTP-AM	H-83

This bill requires break time for nursing mothers in the workplace and requires an employer to provide a sanitary space, which must be close to the work area and may not be a bathroom, for nursing mothers to express milk in privacy.

**Committee Amendment "A" (H-83)**

This amendment clarifies that an employer, including the State, shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy. The time used may be unpaid break time or paid break time or meal time at the discretion of the employer.

**Enacted Law Summary**

Public Law 2009, chapter 84 requires that an employer, including the State, shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy for up to 3 years following childbirth. The time used may be unpaid break time or paid break time or meal time at the discretion of the employer. An employer may not discriminate against an employee who chooses to express breast milk in the workplace.

**LD 403      An Act To Increase the Minimum Wage**

**Carried Over**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON		

This bill increases the minimum wage to \$8.20 per hour in 2010 and to \$8.90 in 2011. Each year after that, the minimum wage is adjusted based on changes in prices, so that the minimum hourly wage rate maintains employee purchasing power. The price adjustment is based on the change in the Consumer Price Index.

This bill is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 409      An Act To Increase Leaves of Absence for State Employees and  
Officials Who Are Members of the National Guard or Reserves of the  
United States Armed Forces**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COURTNEY	ONTP	

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This bill increases the paid leave of absence given to officials and employees of the State who are members of the National Guard or Reserves of the United States Armed Forces from 17 work days per year to 30 work days per year while those officials or employees are performing military duty.

**LD 496      An Act To Amend the Employment Practices Laws**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP	

Current law allows public employers to deduct service fees owed by an employee to a collective bargaining agent from employee's pay. This bill requires a public employer to deduct the fees.

**LD 549      An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing**

**PUBLIC 133**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	H-179 TUTTLE S-75

This bill provides that employers using substance abuse testing may use tests that have been recognized by the federal Food and Drug Administration as accurate and reliable through a clearance or approval process and directs the use of that agency's cleared or approved cutoff levels and procedures if the Department of Health and Human Services cutoff levels or procedures do not exist for the particular test.

**Committee Amendment "A" (S-75)**

This amendment clarifies that if the Department of Health and Human Services does not have established cutoff levels and procedures for a particular federally approved substance abuse test the cutoff levels and procedures established by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration apply.

**House Amendment "A" To Committee Amendment "A" (H-179)**

This amendment further clarifies that the particular cutoff levels and procedures for substance abuse testing to be used when the Department of Health and Human Services does not have established cutoff levels and procedures are those as printed in the Federal Register, Volume 69, No. 71, sections 3.4 to 3.7 on pages 19697 and 19698.

**Enacted Law Summary**

Public Law 2009, chapter 133 provides that employers using substance abuse testing may use tests that have been recognized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services as accurate and reliable as set forth in the Federal Register, Volume 69, No. 71, sections 3.4 to 3.7 on pages 19697 and 19698 if the Department of Health and Human Services does not have established cutoff levels or procedures for the particular test.

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**LD 564      Resolve, To Establish a Working Group of Stakeholders To Review the Current and Future Needs of Blind and Visually Impaired Individuals and To Establish Long-term Solutions To Fund Those Needs**

**RESOLVE 39**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DRISCOLL JACKSON	OTP-AM	H-122

This bill decreases the ratio of visually impaired and blind individuals to vision rehabilitation therapists to more appropriate levels and improves the effectiveness of vision rehabilitation services for the increasing numbers of adults with vision loss and expanded core curriculum services for youth in transition by funding one full-time and 2 half-time Vision Rehabilitation Therapist positions and one full-time Personal Adjustment Counselor position. The bill also provides funding for a vision rehabilitation program developer to design and implement a vision rehabilitation system. The bill increases funding for the Maine Audio Information and Reading Service operated by The Iris Network in order to support expansion to a 24 hours per day, 7 days per week broadcast. Finally, the bill provides funding to establish training opportunities, including internships, scholarships and fellowships, designed to recruit professionals to provide vision rehabilitation therapy and allied services throughout the State.

**Committee Amendment "A" (H-122)**

This amendment replaces the bill with a resolve that authorizes the establishment of a working group funded within existing resources of the Department of Labor to study the current and future needs of blind and visually impaired individuals, determine the costs of those needs and design a solution to meet those needs. The group shall report its findings to the Joint Standing Committee on Labor and the Joint Standing Committee on Education and Cultural Affairs by January 31, 2010.

**Enacted Law Summary**

Resolve 2009, chapter 39 authorizes the establishment of a working group funded within existing resources of the Department of Labor to study the current and future needs of blind and visually impaired individuals, determine the costs of those needs and design a solution to meet those needs. The group shall report its findings to the Joint Standing Committee on Labor and the Joint Standing Committee on Education and Cultural Affairs by January 31, 2010.

**LD 578      An Act Regarding Repayment of Subrogation or Lien Claims in Workers' Compensation Actions**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	ONTP	

This bill amends the laws governing workers' compensation to provide for the reduction of any lien or subrogation interest when recovery from a 3rd party is so limited that repayment of the lien or subrogation interest would constitute a hardship on the employee.

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**LD 579      An Act To Provide Wraparound Medical Coverage in the Workers' Compensation System      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish an integrated health insurance program that incorporates health coverage provided by Dirigo Health into the workers' compensation system.

**LD 617      An Act To Amend the Maine Workers' Compensation Act of 1992 To Remove Independent Medical Examiners      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	ONTP	

This bill removes the independent medical examiner system from the Maine Workers' Compensation Act of 1992.

**LD 620      An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association      PUBLIC 129**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-85

This bill ensures that the Maine Insurance Guaranty Association is responsible for all penalties under the Maine Worker' Compensation Act of 1992 and any rules adopted pursuant to the Maine Worker' Compensation Act of 1992 with the exception of the penalty under the Maine Revised Statutes, Title 39-A, section 359, subsection 2.

### **Committee Amendment "A" (S-85)**

This amendment specifies that the Maine Insurance Guaranty Association, or "association," must employ Maine licensed adjusters in the handling of claims. The amendment prohibits the imposition of penalties if the association is unable, in the exercise of reasonable diligence, to obtain the records of an insolvent insurer or was prevented from complying with the Maine Workers' Compensation Act of 1992 through no fault of its own. The amendment makes clear that any acts or omissions by the association prior to the effective date of this legislation are not governed by the provisions of this legislation.

### **Enacted Law Summary**

Public Law 2009, chapter 129 specifies that the Maine Insurance Guaranty Association ("MIGA") must employ Maine licensed adjusters in the handling of claims. It clarifies that MIGA is responsible for penalties under the Maine Workers' Compensation Act of 1992 ("ACT") and any rules adopted pursuant to the ACT with the following exceptions:

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1. The penalty under the Maine Revised Statutes, Title 39-A, section 359, subsection 2;
2. If the Workers' Compensation Board finds that MIGA was prevented from complying with the ACT because MIGA was unable in the exercise of reasonable diligence to obtain records of the insolvent insurer; and
3. If the Workers' Compensation Board finds that MIGA was prevented from complying with the ACT because of circumstances beyond its reasonable control.

## LD 621 An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer

PUBLIC 408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ ONTP MIN	S-100 S-151 BARTLETT

This bill creates a rebuttable presumption under the Maine Workers' Compensation Act of 1992 that a firefighter who contracts cancer contracted the disease in the course of employment as a firefighter if the firefighter, during the time of that firefighter's employment, received a test for cancer that failed to detect the cancer. This bill makes the last employer for whom the firefighter worked at the time of the last exposure to the risk of cancer and that employer's insurer liable for the cancer.

### Committee Amendment "A" (S-100)

This amendment, which is the majority report of the committee, requires that, to be eligible for workers' compensation benefits, in addition to the presumption established in the bill, the firefighter must have been employed as a firefighter for a minimum of 5 years and have regularly responded to firefighting or emergency calls. The amendment changes the application of the presumption for retired firefighters who contract cancer from within 20 years to within 10 years of last active employment or prior to 70 years of age. The amendment also requires the firefighter to verify that the diagnosed cancer is not prevalent in the firefighter's blood-related family and is not due to exposures to carcinogens outside the firefighter's employment as a firefighter.

### Senate Amendment "B" To Committee Amendment "A" (S-151)

This amendment amends the definition of "firefighter" by striking the reference to "responding to other emergencies" to clarify that the firefighter must have regularly responded to firefighting calls to be eligible for workers' compensation benefits, in addition to the presumption established in Committee Amendment "A."

### Enacted Law Summary

Public Law 2009, chapter 408 creates a rebuttable presumption under the Maine Workers' Compensation Act of 1992 that a firefighter who contracts a covered cancer contracted that cancer in the course of employment as a firefighter. In order to be eligible for the presumption, the firefighter must have been employed as a firefighter for a minimum of 5 years and regularly responded to firefighting calls. In addition, retired firefighters must have contracted cancer within 10 years of active employment or prior to 70 years of age. The firefighter must also verify that the diagnosed cancer is not prevalent in the firefighter's blood-related family and is not due to exposures to carcinogens outside the firefighter's employment as a firefighter. The covered cancers are kidney cancer, non-Hodgkin's lymphoma, colon cancer, leukemia, brain cancer, bladder cancer, multiple myeloma, prostate cancer, testicular cancer and breast cancer.

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**LD 639      An Act Regarding the Computation of Workers' Compensation Rates  
Based on Past Claims**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROWNE COURTNEY	ONTP	

Under current law, an employer is placed in a high-risk pool if the employer has at least 2 lost-time claims, each greater than \$10,000 of incurred loss during the previous 3-year experience rating period. This bill increases the incurred loss amount from \$10,000 to \$40,000.

**LD 658      An Act To Require United States Occupational Safety and Health  
Administration Training for Government Construction Contracts**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WRIGHT	ONTP	

This bill requires that a contractor or subcontractor entering into a public works contract that is for \$100,000 or more provide proof of documentation demonstrating that all nonexempt employees working on that project have completed a construction safety program, no shorter than 10 hours in duration, approved by the United States Department of Labor, Occupational Safety and Health Administration.

The exempt employees include law enforcement officers involved in traffic control or work site security, flagging personnel who have completed the training required by the Department of Transportation, all relevant federal, state and municipal government employees and inspectors and all individuals who are not considered to be on the work site under the federal Davis-Bacon Act.

The bill also specifies, notwithstanding fines provided in existing law, that a contractor or subcontractor who willfully and knowingly violates these requirements is subject to removal of an employee from the work site and the assessment of fines.

**Committee Amendment "A" (H-121)**

This amendment, which is the majority report of the Joint Standing Committee on Labor, clarifies that the bill applies only to those works entered into on or after July 1, 2010. It also amends the penalties and enforcement provision of the bill by eliminating the appointment by the Commissioner of Labor of as many individuals as necessary to carry out the section and states that the penalties are in addition to the penalties provided in the Maine Revised Statutes, Title 26, section 1312.

The Joint Standing Committee on Labor reconsidered the bill and the amendment and voted unanimously Ought Not To Pass.

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**LD 669      An Act To Clarify an Employer's Ability To Collect the  
Overcompensation of Wages**

**LEAVE TO  
WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	LTW	

This bill is a concept draft pursuant to Joint Rule 208. It proposes to limit an employer's ability to collect an overpayment of wages due to the employer's error.

**LD 672      An Act To Add Maine Maritime Academy Representation to the State  
Employee Health Commission**

**PUBLIC 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP	

This bill adds representatives of labor and management of the Maine Maritime Academy to the State Employee Health Commission.

**Enacted Law Summary**

Public Law 2009, chapter 64 adds representatives of labor and management of the Maine Maritime Academy to the State Employee Health Commission.

**LD 685      An Act To Clarify the Minimum Wage Exemption for Summer Camp  
Counselors Working at Day Camps**

**PUBLIC 120  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP-AM	S-64

Under current law, counselors at summer camps are exempt from minimum wage requirements. This bill defines "summer camp" and specifically includes day camps, residential camps, trip and travel camps and seasonal recreation programs.

**Committee Amendment "A" (S-64)**

This amendment adds an emergency preamble and clause and clarifies that counselors, junior counselors or counselors-in-training employed by organized camps licensed by the Department of Health and Human Services and those employees under 18 years of age who work for nonprofit organized camps and similar seasonal recreation programs are exempt from minimum wage requirements.

**Enacted Law Summary**

Public Law 2009, chapter 120 clarifies the minimum wage and overtime exemption for summer camp counselors. It

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states that counselors, junior counselors or counselors-in-training employed by organized camps licensed by the Department of Health and Human Services and those employees under 18 years of age who work for nonprofit organized camps and similar seasonal recreation programs are exempt from the definition of employee under subchapter 3 of employment practice law.

Public Law 2009, chapter 120 was enacted as an emergency measure effective May 11, 2009.

**LD 693      An Act To Clarify the Status and Benefits of Employees of the Child Development Services System**

**PUBLIC 233**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-189

This bill clarifies the status of employees of the Child Development Services System, who through collective bargaining may join the state employee health plan and for the purpose of collective bargaining be considered an agency of the executive branch and a public employer covered by the laws governing state employees and legislative employees labor relations.

**Committee Amendment "A" (S-189)**

This amendment replaces the bill. The amendment clarifies the provision that allows employees of a regional site of the Child Development Services System to join the State Employee Health Insurance Program as long as it is agreed to in collective bargaining and funds are available.

**Enacted Law Summary**

Public Law 2009, chapter 233 provides that employees of a regional site of the Child Development Services System may join the State Employee Health Insurance Program as long as it is agreed to in collective bargaining and funds are available.

**LD 737      An Act To Require the State To Provide Bonita Rogan with Health Insurance Benefits**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-190

This bill makes Bonita Rogan eligible for a group health plan as a retired employee of the State.

**Committee Amendment "A" (S-190)**

This amendment adds an appropriations and allocations section.

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**LD 801      An Act To Clarify the Rights of Public Employee Unions and Public Employers To Agree through Collective Bargaining To Permit Payroll Deductions for Union Dues or Other Funds**

**PUBLIC 144**

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

The bill clarifies that the statutory prohibition on using a state computer to solicit political contributions does not bar a public employer from deducting union dues and other funds that are authorized by the employee and remitting that deduction to the union, even if the amount deducted might be used by the union for political or legislative purposes.

**Enacted Law Summary**

Public Law 2009, chapter 144 clarifies that the statutory prohibition on using a state computer to solicit political contributions does not bar a public employer from deducting union dues and other funds that are authorized by the employee and remitting that deduction to the union, even if the amount deducted might be used by the union for political or legislative purposes.

**LD 812      Resolve, Pertaining to Vacation Leave Earned by Seasonal Employees of the Baxter State Park Authority**

**RESOLVE 43  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS	OTP-AM	H-154

This resolve requires that the Department of Administrative and Financial Services, Bureau of Human Services amend its rules pertaining to holidays, leaves of absence and related compensation practices to provide that a seasonal employee of the Baxter State Park Authority may choose to be paid for unused vacation and overtime hours at the end of each season. It further clarifies that choosing such an option may not be construed as an interruption in service if the employee returns to classified or unclassified state service in any capacity within one year.

**Committee Amendment "A" (H-154)**

This amendment adds an appropriations and allocations section and an emergency preamble and emergency clause to the resolve.

**Enacted Law Summary**

Resolve 2009, chapter 43 requires the Department of Administrative and Financial Services Bureau of Human Services to amend its rules pertaining to holidays, leaves of absence and related compensation practices to provide that a seasonal employee of the Baxter State Park Authority may choose to be paid for unused vacation and overtime hours at the end of each season. It further clarifies that choosing such an option may not be construed as an interruption in service if the employee returns to classified or unclassified state service in any capacity within one year.

Resolve 2009, chapter 43 was finally passed as an emergency measure effective May 15, 2009.

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**LD 829      An Act To Clarify the Right of Public School Employees To Engage in  
Collective Bargaining**

**PUBLIC 107  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK H JACKSON	OTP-AM	H-113

This bill prohibits a regional school unit board from participating in labor relations activities prior to the operational date of the regional school unit except for the negotiation and execution of a collective bargaining agreement that takes effect on or after the operational date of the regional school unit. Prior to the operational date, each participating school administrative unit retains the authority and duties specified in the Maine Revised Statutes, Title 26, chapter 9-A. This bill also waives the 120-day notice requirement for submission of fiscal matters by the bargaining unit of a regional school unit prior to and during its 1st year of operation.

**Committee Amendment "A" (H-113)**

This amendment clarifies collective bargaining rights and duties of public employers and bargaining agents in connection with the formation of regional school units as specified in the Maine Revised Statutes, Title 26, chapter 9-A. Until approval of a proposed school administrative reorganization plan at referendum, each participating school administrative unit retains all authority, duties and obligations of the public employer of the employees of the school administrative unit, including the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date of the proposed regional school unit. Prior to the operational date of the regional school unit, the elected board for that regional school unit has the duty to take measures necessary to prepare to meet its obligations as a public employer, including the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date of the regional school unit. It clarifies who will act as bargaining agent prior to the operational date of the regional school unit. The obligation to meet within 10 days after receipt of written notice is suspended during the period between referendum approval and the operational date of the regional school unit. It also waives the 120-day notice requirement for submission of fiscal matters by the bargaining unit of a regional school unit prior to its first year of operation.

**Enacted Law Summary**

Public Law 2009, chapter 107 clarifies collective bargaining rights and duties of public employers and bargaining agents in connection with the formation of regional school units as specified in the Maine Revised Statutes, Title 26, chapter 9-A. Until approval of a proposed school administrative reorganization plan at referendum, each participating school administrative unit retains all authority, duties and obligations of the public employer of the employees of the school administrative unit, including the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date of the proposed regional school unit. Prior to the operational date of the regional school unit, the elected board for that regional school unit has the duty to take measures necessary to prepare to meet its obligations as a public employer, including the authority and duty to negotiate a successor collective bargaining agreement that will take effect on or after the operational date of the regional school unit. It clarifies who will act as bargaining agent prior to the operational date of the regional school unit. The obligation to meet within 10 days after receipt of written notice is suspended during the period between referendum approval and the operational date of the regional school unit. It also waives the 120-day notice requirement for submission of fiscal matters by the bargaining unit of a regional school unit prior to its first year of operation.

Public Law 2009, chapter 107 was enacted as an emergency measure effective May 8, 2009.

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**LD 830      An Act To Exclude Collectively Bargained Salary and Job Promotion  
Increases from the Earnable Compensation Limitation for Retirement  
Purposes**

**ACCEPTED ONTP  
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CASAVANT JACKSON	ONTP MAJ OTP-AM MIN	

This bill restores 2 exclusions from the calculation of salary or wage increases for the purpose of determining average final compensation under the Maine Public Employees Retirement System that were in statute before significant changes were made in 1993.

**Committee Amendment "A" (H-171)**

This amendment is the minority report of the Joint Standing Committee on Labor. The amendment adds an appropriations and allocations section to the bill.

**LD 849      An Act To Clarify the Application of the Public Works Minimum Wage  
Laws**

**PUBLIC 453**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON	OTP-AM MAJ ONTP MIN	H-241

This bill adds public schools to the definition of "public works" in the Maine Revised Statutes, Title 26, chapter 15, which deals with preference to Maine workers and contractors.

**Committee Amendment "A" (H-241)**

This is the majority report of the Joint Standing Committee on Labor. It adds a fiscal note to the bill.

**Enacted Law Summary**

Public Law 2009, chapter 453 adds public schools to the definition of "public works" in the Maine Revised Statutes, Title 26, chapter 15, which deals with preference to Maine workers and contractors for contracts let by the State for \$50,000 or more.

**LD 867      An Act Regarding Unemployment Compensation**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN SCHNEIDER	ONTP	

This bill requires the Director of Unemployment Compensation, when sending a written notice of determination of employment, to include the documentation that supported the determination. The bill also requires the director to treat both claimant and employer equally and to make available the record of interviews and documentation to both

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parties.

### LD 868 An Act To Rename the Division of Deafness within the Department of Labor

PUBLIC 174

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAIN SCHNEIDER	OTP	H-238 HAYES

This bill changes the name of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services to the Division for the Deaf, Hard of Hearing and Late Deafened. The bill also defines "late deafened" and "late-deafened person" and corrects cross-references that are affected by the name change.

#### House Amendment "A" (H-238)

This amendment is being presented on behalf of the Committee on Bills in Second Reading to prevent a conflict by incorporating changes made to the Maine Revised Statutes, Title 35-A, section 7302 and section 7505, subsection 5 by Public Law 2009, chapter 68.

#### Enacted Law Summary

Public Law 2009, chapter 174 changes the name of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services to the Division for the Deaf, Hard of Hearing and Late Deafened. The bill also defines "late deafened" and "late-deafened person" and corrects cross-references that are affected by the name change.

### LD 869 An Act To Require the Development of Plans To Achieve the Payment of Livable Wages by State and Local Government Employers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUTTERFIELD	ONTP	

This bill redefines "livable wage" using the statewide average livable wage for a single-parent, one-child household rather than a 2 parent household with 2 earners and 2 children. It further adjusts the definition when applied to municipalities, school administrative units, and any other local political subdivision by using the county or metropolitan statistical area to base the average.

The bill requires the State, the University of Maine System, the Maine Community College System, and all municipalities, counties, and school administrative units to annually submit a report to the Department of Labor for the preceding calendar year to determine the extent in which they pay workers livable wage rates. The report is to identify all workers who were paid less than a livable wage rate, the total number of wages paid to each worker, the total wages that would have been paid to these workers for the same number of hours at a livable wage, and the difference between the actual wages and the livable wages.

The bill requires the Department of Labor to produce an annual report that quantifies and summarizes data gathered and analyzed from all federal, state, and local public social service agencies and offices to determine the costs of providing direct services to all workers employed by state and local public employers who are paid less than a livable wage.

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The bill also requires the University of Maine System, the Maine Community College System and all municipalities, counties, and school administrative units to develop and implement a plan to achieve payment of at least a livable wage by July 1, 2012. They are to develop those plans with collective bargaining agents.

**LD 888      *Resolve, Directing the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources To Remove Longevity Biases from Collective Bargaining Agreements*      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

This resolve directs the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources to:

1. Reduce or eliminate within future collective bargaining agreements those provisions that compensate longevity without regard to the value of services rendered to the State;
2. Retain the State's right to make temporary layoffs during future collective bargaining periods; and
3. Adjust the merit pay system so that only those in the upper third of performance are eligible for the award in the discretion of that employee's supervisor.

**LD 934      *An Act To Clarify Public Sector Employee Fair Choice in Collective Bargaining*      Carried Over**

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

Under current law, if a state employee organization or public employee organization files a request with a public employer alleging that a majority of the employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining, the public employer may request an election to determine whether there exists majority support among the employees for such representation. This bill provides instead that the public employer may request an inspection of the evidence of written majority authorization on the part of the employees.

This bill is carried over to any special or regular session of the 124th Legislature by joint order, H.P. 1053.

**LD 946      *An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation*      PUBLIC 280**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING PLOWMAN	OTP-AM	H-359

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The purpose of this bill is to address the issue identified in *Grant v. Central Maine Power, Inc.*, 2003 ME 96, 828 A.2d 800 by amending the Maine Workers' Compensation Act of 1992 to permit an employer to reduce weekly benefits by the amount of earnings paid by an employer that is not liable or responsible for paying the weekly benefits.

### **Committee Amendment "A" (H-359)**

This amendment clarifies that earnings may be discontinued or reduced by the actual substantiated amount paid to the employee during the 21-day period if the employer files the evidence of payment with the Workers' Compensation Board for the time during which an employee was actually paid by the employer.

### **Enacted Law Summary**

Public Law 2009, chapter 280 amends the Maine Workers' Compensation Act of 1992 by clarifying that earnings may be discontinued or reduced by the actual substantiated amount paid to the employee during the 21-day period if the employer files the evidence of payment with the Workers' Compensation Board for the time during which an employee was actually paid by the employer.

**LD 987      An Act To Clarify the Definition of "Employee" in the Employment Security Law**

**LEAVE TO WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	LTW	

This bill exempts licensed cosmetologists, massage therapists and manicurists who operate within an establishment owned by another under a booth rental agreement or other rental agreement from the definition of employment for purposes of unemployment compensation law.

**LD 996      An Act To Allow Certain Retirees in the Maine Public Employees Retirement System To Return to Service with the State for 180 Days Annually**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY	ONTP	

Current Maine Public Employees Retirement System rules address the circumstance of a State employee or a teacher who retires prior to normal retirement age but who then returns to service with same employer for whom the employee or teacher last worked prior to retiring. The rules are based on the interpretation of federal Internal Revenue Service regulations.

This bill codifies some of those rules, including the requirement that there be a bona fide termination of at least 30 days, and allows a retiree to return to service after retirement with the same employer for a maximum of 180 days each year, instead of the current limit of 60 days specified in Maine Public Employees Retirement System rules.

The Committee addressed this issue by asking the Maine Public Employees Retirement System to change the rules to reflect the intent of this proposed bill.

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**LD 1007    An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists**

**DIED BETWEEN HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON	OTP-AM MAJ ONTP MIN	

Under current law, retired oil and hazardous materials emergency response workers who worked in the Division of Response Services in the Department of Environmental Protection are covered under the 1998 Special Plan. This bill extends inclusion in the plan to oil and hazardous materials emergency response workers in other divisions in the Department of Environmental Protection.

**Committee Amendment "A" (H-184)**

The amendment prospectively adds oil and hazardous materials specialists employed in the Department of Environmental Protection to the 1998 Special Plan who were not included in the original 1998 Special Plan. The amendment also adds an appropriations and allocations section.

**LD 1092    An Act To Improve Worksite Accountability for Public Construction Projects by Requiring Subcontractor Identification**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE JACKSON	ONTP	

This bill requires a general contractor on a project undertaken with public funds to provide the public agency with a list of all independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the job site and the agency's website and updated weekly. The bill also establishes penalties to be implemented by the Department of Labor.

The Committee carried forward this concept, in an amended form, in LD 1456.

**LD 1109    An Act To Prohibit the Reduction of Benefits under the Maine Workers' Compensation Act of 1992 for Certain Prior Injuries**

**LEAVE TO WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	LTW	

This bill is in response to the Maine Supreme Judicial Court's decision in *Legassie v. Securitas, Inc.*, 2008 ME 43, 944 A.2d 495. The decision in that case authorized a reduction to an injured worker's wage replacement and medical benefits because of a previously settled workers' compensation claim. This bill specifies that reducing an injured worker's benefits because of a prior settled injury is direct apportionment against the employee and is prohibited.

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This bill also clarifies the applicability of the Maine Supreme Judicial Court's decision in *Cust v. University of Maine*, 2001 ME 29, 766 A.2d 566. This bill specifies that when an injured worker's permanent impairment rating under the Maine Revised Statutes, Title 39-A, section 213, subsection 1-A is above the applicable threshold on account of a single injury or the sum of multiple injuries, all of the worker's weekly benefits under the Maine Workers' Compensation Act of 1992 are exempt from the durational limit of Title 39-A, section 213, subsection 1.

The Committee carried forward this concept, in an amended form, in LD 1384.

**LD 1167     An Act To Limit the Work Week of Doctors and Medical Residents**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLDUC	ONTP	

Current law limits the amount of overtime an employee may be required to work to 80 hours in 2 weeks; medical interns and residents are exempt from this limitation.

This bill modifies the exemption to reduce the number of hours of overtime that a medical intern or resident can be required to work from 80 hours in a 2-week period to 20 hours in a one-week period and applies the same limit to physicians.

**LD 1185     An Act To Require Cause for Employment Termination**

**ACCEPTED ONTP  
REPORT**

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

This bill enacts the Maine Employment Termination Act, which states that an employer may not terminate the employment of an employee without good cause.

**Committee Amendment "A" (S-180)**

This minority report amendment adds an appropriations and allocations section to the bill.

**LD 1219     An Act To Correct Inequities for Certain Maine Community College System Employees in the Maine Public Employees Retirement System**

**PUBLIC 236  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	S-183

This bill provides that an employee of the Maine Community College System who participated in a defined contribution plan offered to such an employee in place of the retirement plan offered under the Maine Public Employees Retirement System and who subsequently resumed participation or commenced participation in the

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Maine Public Employees Retirement System is automatically insured and is eligible for coverage under the group life insurance program provided to employees of the Maine Community College System in the same manner as a new employee of the Maine Community College System. Such an employee does not need to provide evidence of insurability in order to receive coverage under the group life insurance program provided to employees of the Maine Community College System.

### Committee Amendment "A" (S-183)

This amendment corrects an oversight in Public Law 2001, chapter 545 and Public Law 2003, chapter 261 whereby the intent was for Maine Community College System employees to be able to return to membership in the Maine Public Employees Retirement System, including participation in the group life insurance program. The amendment also establishes a time frame during which certain confidential employees of the Maine Community College System may establish group life insurance coverage with the Maine Public Employees Retirement System.

### Enacted Law Summary

Public Law 2009, chapter 236 corrects an oversight in Public Law 2001, chapter 545 and Public Law 2003, chapter 261 whereby the intent was for Maine Community College System employees to be able to return to membership in the Maine Public Employees Retirement System, including participation in the group life insurance program. The amendment also establishes a time frame during which certain confidential employees of the Maine Community College System may establish group life insurance coverage with the Maine Public Employees Retirement System.

Public Law 2009, chapter 236 was enacted as an emergency measure effective June 2, 2009.

### LD 1292    **An Act To Provide More Transparency and Protection for Public Employees in the Laws Governing the Maine Public Employees Retirement System**

**PUBLIC 322**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	S-285

This bill provides more transparency, accountability and protection for public employees with respect to the processes and policies of the Maine Public Employees Retirement System. The bill:

1. Provides that the executive director of the retirement system be appointed by the Governor subject to confirmation by the Senate;
2. Provides that persons providing information to prospective retiring public employees be well trained and knowledgeable about retirement system laws and rules and be able to provide this information in understandable terms;
3. Provides that mistakes by public employees or employees of the retirement system in regard to retirement system benefits, including overpayments, may not result in punitive and unreasonable penalties that result in reducing benefits below a livable income;
4. Provides that public employees who enroll in the retirement system must be reviewed by the retirement system no later than 60 days following enrollment in regard to eligibility for benefits under the retirement system;
5. Authorizes hearing examiners to make final decisions about disability benefits and other benefits based on all the data and evidence presented at the hearing, including information provided by treating physicians, public officials, witnesses, the medical board and other sources;

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6. Provides that the opinions of an applicant's treating medical provider must be accorded controlling weight unless the substantial evidence of record compels a contrary conclusion;
7. Requires the board of trustees to communicate with administrative staff throughout the retirement system at least once a year in regard to issues of concern to the staff;
8. Requires the medical board, the executive director or the board of trustees, prior to making any adverse recommendations regarding a disability case, to meet with the applicant or the applicant's attorney to provide the criteria, standards and reasons, including medical criteria on which the decisions of the medical board are based;
9. Requires the medical board to which a disability retirement request has been referred to be composed of physicians whose practices involve or have involved the treatment of the physical or mental conditions on which the case of the applicant is based;
10. Establishes as a purpose of the retirement system the provision of and preservation of access to disability benefits and a reasonable and decent quality of life for members of the retirement system, including individuals who become disabled. This provision is given equal weight with the integrity and financial well-being of the retirement system;
11. Requires additional information as part of the retirement system's annual report to include information regarding the number of state employees, teachers and participating district employees who retired and the amount of retirement payouts, the number of persons who applied for disability retirement and the number denied disability retirement in the previous year and the number of applicants who were denied disability retirement following submission of additional information and following applicants' appeals; and
12. Overrules a decision of the Superior Court that discriminates against all employees who take more than 30 days of unpaid leave during any period of their last 5 years of retirement system service, regardless of their total service in the retirement system.

### **Committee Amendment "A" (S-285)**

This amendment provides more transparency, accountability and protection for public employees with respect to the processes and policies of the Maine Public Employees Retirement System. The amendment:

1. Provides that persons providing information to prospective retiring public employees be well trained and knowledgeable about retirement system laws and rules and be able to provide this information in understandable terms;
2. Provides that mistakes by public employees or employees of the retirement system in regard to retirement system benefits, including overpayments, may not result in unreasonable penalties and recovery must consider personal economic stability;
3. Authorizes hearing officers to make recommended final decisions and requires such decisions to be made on the record as a whole;
4. Implements a finding of the court that opinions of the medical board are advisory only;
5. Affords equal weight to medical evidence, regardless of the source of that evidence;
6. Entitles a member or retiree along with counsel an opportunity to an informal hearing prior to any adverse decision by the retirement staff;

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7. Requires the Board of Trustees of the Maine Public Employees Retirement System to attempt to appoint to the medical board physicians chosen from those fields of medicine for which the retirement system receives the greatest number of applications for disability retirement benefits;
8. Requires additional information, as part of the retirement system's annual report, including the number of individuals who retired in the previous calendar year categorized by plan status; the number of new active members of the retirement system who became members during the previous year, by plan status; the amount of earnings on investment in the previous calendar year; the total amount of employee and employer contributions to the retirement system in the previous calendar year and the total amount of payout to retirees, categorized by plan status; and the number of persons who applied for disability retirement during the previous calendar year;
9. Addresses a decision of the Superior Court that discriminates against all employees who take more than 30 days of unpaid leave during any period of their last 5 years of retirement system service, regardless of their total service in the retirement system;
10. Provides that a member whose employer wrongly or incorrectly enrolls a member in the Maine Public Employees Retirement System does not lose any retirement benefits. The State does not bear responsibility for the employer's mistake; and
11. Requires the Maine Public Employees Retirement System to report back to the Joint Standing Committee on Labor with the results of the implementation of the changes required by this legislation by January 10, 2010. The joint standing committee may report out legislation in the Second Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Public Law 2009, chapter 322 provides more transparency, accountability and protection for public employees with respect to the processes and policies of the Maine Public Employees Retirement System. The amendment:

1. Provides that persons providing information to prospective retiring public employees be well trained and knowledgeable about retirement system laws and rules and be able to provide this information in understandable terms;
2. Provides that mistakes by public employees or employees of the retirement system in regard to retirement system benefits, including overpayments, may not result in unreasonable penalties and recovery must consider personal economic stability;
3. Authorizes hearing officers to make recommended final decisions and requires such decisions to be made on the record as a whole;
4. Implements a finding of the court that opinions of the medical board are advisory only;
5. Affords equal weight to medical evidence, regardless of the source of that evidence;
6. Entitles a member or retiree along with counsel an opportunity to an informal hearing prior to any adverse decision by the retirement staff;
7. Requires the Board of Trustees of the Maine Public Employees Retirement System to attempt to appoint to the medical board physicians chosen from those fields of medicine for which the retirement system receives the greatest number of applications for disability retirement benefits;
8. Requires additional information, as part of the retirement system's annual report, including the number of individuals who retired in the previous calendar year categorized by plan status; the number of new active members of the retirement system who became members during the previous year, by plan status; the amount of earnings on

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investment in the previous calendar year; the total amount of employee and employer contributions to the retirement system in the previous calendar year and the total amount of payout to retirees, categorized by plan status; and the number of persons who applied for disability retirement during the previous calendar year;

9. Addresses a decision of the Superior Court that discriminates against all employees who take more than 30 days of unpaid leave during any period of their last 5 years of retirement system service, regardless of their total service in the retirement system;

10. Provides that a member whose employer wrongly or incorrectly enrolls a member in the Maine Public Employees Retirement System does not lose any retirement benefits. The State does not bear responsibility for the employer's mistake; and

11. Requires the Maine Public Employees Retirement System to report back to the Joint Standing Committee on Labor with the results of the implementation of the changes required by this legislation by January 10, 2010. The joint standing committee may report out legislation in the Second Regular Session of the 124th Legislature.

**LD 1361      *Resolve, Directing the Department of Labor and the Department of Health and Human Services To Establish a Work Group To Clarify the Working Status of Respite Care and Shared Living Residential Service Providers for Individuals with Developmental Disabilities***

**RESOLVE 96**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-229

This bill exempts services performed by certain direct support providers, including respite care providers, from the definition of "employment" in the laws governing unemployment compensation and exempts certain direct support providers from the definition of "employee" in the laws governing minimum wages and workers' compensation.

**Committee Amendment "A" (S-229)**

This amendment creates a resolve that directs the Commissioner of Labor and the Commissioner of Health and Human Services to create a work group that includes the representatives from each department and members of the Workers' Compensation Board, the Maine State Employees Association and the Maine Association of Community Service Providers to examine the services and tasks performed by respite care and shared living residential service providers for adults and children with developmental disabilities to determine if there are ways to clearly identify the working status of those providers. The work group is directed also to examine whether statutory or regulatory actions are needed to provide clarification of the providers' status. The Commissioner of Labor and the Commissioner of Health and Human Services are directed to report the work group's findings and any recommendations to the Joint Standing Committee on Labor by December 15, 2009. The Joint Standing Committee on Labor is authorized to introduce legislation during the Second Regular Session of the 124th Legislature.

**Enacted Law Summary**

Resolve 2009, chapter 96 directs the Commissioner of Labor and the Commissioner of Health and Human Services to create a work group that includes the representatives from each department and members of the Workers' Compensation Board, the Maine State Employees Association and the Maine Association of Community Service Providers to examine the services and tasks performed by respite care and shared living residential service providers for adults and children with developmental disabilities to determine if there are ways to clearly identify the working status of those providers. The work group is directed also to examine whether statutory or regulatory actions are needed to provide clarification of the providers' status. The Commissioner of Labor and the Commissioner of Health and Human Services are directed to report the work group's findings and any recommendations to the Joint Standing

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Committee on Labor by December 15, 2009. The Joint Standing Committee on Labor is authorized to introduce legislation during the Second Regular Session of the 124th Legislature.

### LD 1384 An Act To Clarify Apportionment of Benefits for Multiple Work Injuries

PUBLIC 301

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-203

This bill is in response to the Maine Supreme Judicial Court's decision in *Legassie v. Securitas, Inc.*, 2008 ME 43, 944 A.2d 495. The decision in that case authorized a reduction to an injured worker's wage replacement and medical benefits because of a previously settled workers' compensation claim. This bill specifies that reducing an injured worker's benefits because of a prior settled injury is direct apportionment against the employee and is prohibited.

This bill clarifies the applicability of the Maine Supreme Judicial Court's decision in *Cust v. University of Maine*, 2001 ME 29, 766 A.2d 566. This bill specifies that when an injured worker's permanent impairment rating under the Maine Revised Statutes, Title 39-A, section 213, subsection 1-A is above the applicable threshold on account of a single injury or the sum of multiple injuries, all of the worker's weekly benefits under the Maine Workers' Compensation Act of 1992 are exempt from the durational limit of Title 39-A, section 213, subsection 1.

This bill also makes clear that Title 39-A, section 354 applies to all injuries no matter when the injury occurred.

#### Committee Amendment "A" (S-203)

The amendment clarifies that there will be no reduction of an employee's entitlement to any workers' compensation benefits based on the lump sum settlement of a prior work-related injury.

#### Enacted Law Summary

Public Law 2009, chapter 301 clarifies there will be no reduction of an employee's entitlement to any workers' compensation benefits based on the lump sum settlement of a prior work-related injury.

### LD 1431 Resolve, To Reform Public Retirement Benefits and Eliminate Social Security Offsets

RESOLVE 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-230

This resolve directs the Maine Public Employees Retirement System, the Commissioner of Administrative and Financial Services and the State Employee Health Commission, within their existing resources, to design a unified pension and benefit plan to apply to all state employees and teachers that are first hired after December 31, 2010. It authorizes submission of the proposed unified pension and benefit plan, together with proposed implementing legislation, to the Joint Standing Committee on Labor no later than December 10, 2009 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature. Under this unified pension and benefit plan:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to

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the plan will be covered under Social Security;

2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;
3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;
4. The present actuarial cost of retiree benefits under the plan will be limited to 6% of payroll to be divided equally between the employee and the employer;
5. Continuing health coverage will be offered to retirees and their dependents;
6. A retired member may receive a subsidy of up to 90% of the cost for the retiree's own health insurance and up to 45% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;
7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;
8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation times years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and
9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5 times the member's own contribution plus 6% interest if benefits are withdrawn as cash, or 1.8 times the member's own contribution plus 6% interest if the benefits are withdrawn in the form of an annuity.

### **Committee Amendment "A" (S-230)**

This amendment replaces the resolve and establishes a task force to design a unified pension and benefit plan to apply to all state employees and teachers who are first hired after December 31, 2010. Under this unified pension and benefit plan:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to the plan will be covered under Social Security;
2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;
3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;
4. The present actuarial cost of retiree benefits under the plan will be divided equally between the employee and the employer;
5. Continuing health coverage will be offered to retirees and their dependents;
6. A retired member may receive a subsidy of up to 100% of the cost for the retiree's own health insurance and up to 50% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;

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7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;

8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation multiplied by years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and

9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5 times the member's own contribution plus 6% interest if benefits are withdrawn as cash, or 1.8 times the member's own contribution plus 6% interest if the benefits are withdrawn in the form of an annuity.

The resolve directs the task force to submit a report on the design of the unified pension and benefit plan, together with proposed implementing legislation, to the Joint Standing Committee on Labor no later than March 1, 2010 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature.

### **Enacted Law Summary**

Resolve 2009, chapter 111 establishes a task force to design a unified pension and benefit plan to apply to all state employees and teachers who are first hired after December 31, 2010. Under this unified pension and benefit plan:

1. In order to enhance portability of benefits and eliminate the issues associated with the government pension offset and the windfall elimination provision of the federal Social Security Act, every state employee and teacher subject to the plan will be covered under Social Security;

2. All new employees will be members of a common health plan with benefits that are identical to those paid for in accordance with current law and collective bargaining contracts;

3. In addition to Medicare and Social Security, each member will be entitled to a supplemental defined pension and retiree health benefit;

4. The present actuarial cost of retiree benefits under the plan will be divided equally between the employee and the employer;

5. Continuing health coverage will be offered to retirees and their dependents;

6. A retired member may receive a subsidy of up to 100% of the cost for the retiree's own health insurance and up to 50% of the cost of a spouse or dependent. The level of subsidy will be graduated to reflect length of service;

7. The future cost of retiree health benefits will be paid into an existing dedicated revenue account by assessing the current payroll of active members a percentage that is divided equally between the member and the member's employer;

8. Each member's supplemental defined pension will be calculated as a percentage of base year compensation multiplied by years of service. The percentage, rounded to the nearest tenth, will be calculated based on funding available after deducting the cost of the retiree health benefit from the 6% total benefit cost; and

9. A vested member may retire after 30 years of service or at 62 years of age, whichever occurs first. A member who retires early may recover 1.5 times the member's own contribution plus 6% interest if benefits are withdrawn as cash, or 1.8 times the member's own contribution plus 6% interest if the benefits are withdrawn in the form of an annuity.

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The resolve directs the task force to submit a report on the design of the unified pension and benefit plan, together with proposed implementing legislation, to the Joint Standing Committee on Labor no later than March 1, 2010 and authorizes the committee to report out a bill to the Second Regular Session of the 124th Legislature.

### LD 1441     **An Act To Amend and Clarify the Application of the Laws Regarding Severance Pay**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	ONTP	

This bill makes the following changes to the laws governing severance pay.

1. It increases the time from a 12-month to a 36-month period in which a "covered establishment" employs or has employed 100 or more persons preceding termination or relocation.
2. It adds a definition of "employee."
3. It changes the definition of "physical calamity" by stating it applies only to involuntary bankruptcy petitions filed under Chapter 11.
4. It changes the definition of "week's pay" to include the greater of the average weekly pay in the last 12 months or the employee's wage rate at the time of termination or relocation multiplied by the number of hours in that employee's most recently scheduled work week.
5. It provides that certain provisions of the labor laws that apply to the payment of wages and penalties for the nonpayment of wages also apply to severance pay.
6. It creates a presumption that whenever an employer lays off 100 or more employees at a covered establishment that the affected employees are eligible for severance pay. The employer has the burden of proof that the lay-off is not permanent.
7. It provides that an employee due severance pay is eligible for payment from the Maine Wage Assurance Fund.

The Committee carried forward this concept, in an amended form, in LD 1469.

### LD 1454     **An Act To Provide Additional Unemployment Benefits and Make Statutory Revisions in Accordance with the American Recovery and Reinvestment Act of 2009**

**PUBLIC 33  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E		S-63    DIAMOND

This bill amends the Maine Revised Statutes, Title 26, section 1193, subsection 1, paragraph A, which governs unemployment benefit disqualification exceptions for voluntarily leaving one's job, in order to meet the unemployment insurance modernization provision requirements under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2003, and ensures that the State qualifies for receiving the maximum

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incentive payment allowable to the State under the federal recovery legislation.

It also temporarily adds an alternative methodology for determining when extended unemployment benefits are paid. Using the seasonally adjusted total unemployment rate methodology for determining when extended unemployment benefits are payable increases the likelihood that these benefits will become available for unemployed workers during the current period of economic downturn. The addition of the alternative methodology remains in effect for weeks of unemployment that begin after February 17, 2009 until the week ending December 12, 2009 or until the week ending 3 weeks prior to the last week for which federal sharing is authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2005(a), whichever is later. During this period, a temporary change made under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 provides that the cost of all extended benefits in the unemployment compensation program will be paid 100% in most cases by the Federal Government.

### Senate Amendment "A" (S-63)

This amendment adds an appropriations and allocations section to the bill.

### Enacted Law Summary

Public Law 2009, chapter 33 amends the Maine Revised Statutes, Title 26, section 1193, subsection 1, paragraph A, which governs unemployment benefit disqualification exceptions for voluntarily leaving one's job, in order to meet the unemployment insurance modernization provision requirements under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2003, and ensures that the State qualifies for receiving the maximum incentive payment allowable to the State under the federal recovery legislation.

It also temporarily adds an alternative methodology for determining when extended unemployment benefits are paid. Using the seasonally adjusted total unemployment rate methodology for determining when extended unemployment benefits are payable increases the likelihood that these benefits will become available for unemployed workers during the current period of economic downturn. The addition of the alternative methodology remains in effect for weeks of unemployment that begin after February 17, 2009 until the week ending December 12, 2009 or until the week ending 3 weeks prior to the last week for which federal sharing is authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2005(a), whichever is later. During this period, a temporary change made under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 provides that the cost of all extended benefits in the unemployment compensation program will be paid 100% in most cases by the Federal Government.

Public Law 2009, chapter 33 was enacted as an emergency measure effective April 16, 2009.

### LD 1456 An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance

PUBLIC 452

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP-AM	H-536 H-557 MARTIN J L

This bill provides that, beginning January 1, 2010, a person performing construction work on a construction site for a hiring agent is presumed to be an employee of the hiring agent for purposes of workers' compensation, unless the person either meets the definition of "construction subcontractor" or carries workers' compensation insurance.

### Committee Amendment "A" (H-536)

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This amendment requires a general contractor on a project undertaken with public funds to provide the public agency with a list of independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the contracting agency's publicly accessible website and updated as needed. The amendment establishes penalties for noncompliance with this provision.

The amendment provides an exception from the employee presumption for a person who owns or leases equipment and operates that equipment on a construction site. The amendment also requires a report from the Workers' Compensation Board and the Department of Labor, by December 15, 2009, to the Joint Standing Committee on Labor. Upon review of the report, the committee may report out a bill to the Second Regular Session of the 124th Legislature.

### **House Amendment "A" To Committee Amendment "A" (H-557)**

This amendment changes "curb weight" to "gross vehicle weight rating" for a truck that is used for construction work in determining whether the person using the truck is considered the owner for purposes of workers' compensation insurance.

### **Enacted Law Summary**

Public Law 2009, chapter 452 requires a general contractor on a project undertaken with public funds to provide the public agency with a list of independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the contracting agency's publicly accessible website and updated as needed. The law establishes penalties for noncompliance with this provision.

The law provides an exception from the employee presumption for a person who owns or leases equipment meeting weight requirements and operates that equipment on a construction site. The law also requires a report from the Workers' Compensation Board and the Department of Labor, by December 15, 2009, to the Joint Standing Committee on Labor. Upon review of the report, the committee may report out a bill to the Second Regular Session of the 124th Legislature.

## **LD 1469    An Act To Ensure Fair Calculation of Severance Pay for Maine Workers**

**PUBLIC 305  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-231

This bill provides that the calculation of a week's pay under the laws governing severance pay must be made from the date of a layoff if the layoff occurs before the relocation or termination of a covered establishment. The bill applies retroactively to January 1, 2009.

### **Committee Amendment "A" (S-231)**

This amendment redefines "physical calamity" and "week's pay" in the laws governing severance pay. It clarifies that during Chapter 11 bankruptcy proceedings there is no right to severance pay unless the filing is later converted to a filing under Chapter 7. It includes language regarding a mass layoff and directs an employer to report the expected duration of a layoff within 7 days to the Director of the Bureau of Labor Standards. The director shall, at least every 30 days, require the employer to update the employer's report for the director to determine whether the layoff constitutes a termination or relocation. This amendment includes a retroactivity clause dated March 31, 2009.

### **Enacted Law Summary**

Public Law 2009, chapter 305 redefines "physical calamity" and "week's pay" in the laws governing severance pay.

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It clarifies that during Chapter 11 bankruptcy proceedings there is no right to severance pay unless the filing is later converted to a filing under Chapter 7. It includes language regarding a mass layoff and directs an employer to report the expected duration of a layoff within 7 days to the Director of the Bureau of Labor Standards. The director shall, at least every 30 days, require the employer to update the employer's report for the director to determine whether the layoff constitutes a termination or relocation. This amendment includes a retroactivity clause dated March 31, 2009.

Public Law 2009, chapter 305 was enacted as an emergency measure effective June 8, 2009.

**LD 1474     An Act To Assist Maine Workers and Businesses in Succeeding in a  
Changing Economy**

**PUBLIC 271**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MITCHELL E	OTP-AM	H-321

This bill amends the definition of "dislocated worker" used to establish eligibility for extended unemployment benefits for workers in an approved training program. It extends coverage beyond those laid off as a result of a plant closing to those who have been terminated or laid off as a result of a reduction in operations at their place of employment. The bill removes the provision making individuals who previously completed an approved training program ineligible for the extended unemployment benefit program for dislocated workers. It also updates cross-references to approved training programs to reflect current additions to this list. Finally, it directs the Commissioner of Labor to examine the State's unemployment insurance program to determine why the State's percent of unemployed workers receiving unemployment benefits appears low relative to other states.

### **Committee Amendment "A" (H-321)**

This amendment requires the Commissioner of Labor to report on the status of persons who are receiving extended benefits for dislocated workers in approved training and have previously received such benefits in the commissioner's annual report due to the Committee on Labor each March 1st.

### **Enacted Law Summary**

Public Law 2009, chapter 271 amends the definition of "dislocated worker" used to establish eligibility for extended unemployment benefits for workers in an approved training program. It extends coverage beyond those laid off as a result of a plant closing to those who have been terminated or laid off as a result of a reduction in operations at their place of employment. The bill removes the provision making individuals who previously completed an approved training program ineligible for the extended unemployment benefit program for dislocated workers. It also updates cross-references to approved training programs to reflect current additions to this list. It requires the Commissioner of Labor to report on the status of persons who are receiving extended benefits for dislocated workers in approved training and having previously received such benefits in the commissioner's annual report due to the Committee on Labor each March 1st. Finally, it directs the Commissioner of Labor to examine the State's unemployment insurance program to determine why the State's percent of unemployed workers receiving unemployment benefits appears low relative to other states.

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**LD 1492     An Act To Improve Opportunity in the Maine Woods**

**PUBLIC 381  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON		S-333 JACKSON

This bill triples the penalty for violation of the law that requires foreign bond workers in logging occupations to use equipment owned by their employer and requires that proof of ownership be carried in the equipment and be shown to enforcement officials. It requires the Department of Conservation to provide assistance to the Department of Labor in enforcing the law. It also repeals the law establishing a rate-setting process for the services of contractors who work for large landowners.

**Senate Amendment "A" (S-333)**

The bill increases penalties for violations of the law requiring foreign bond workers in logging occupations to use equipment owned by their employer, requires that proof of such ownership be carried in the equipment and be shown to enforcement officials and requires the Department of Conservation to provide assistance to the Department of Labor in enforcing the law. This amendment removes restrictions on access to records regarding proof of ownership in order to facilitate compliance with this legislation.

**Enacted Law Summary**

Public Law 2009, chapter 381 increases penalties for violations of the law requiring foreign bond workers in logging occupations to use equipment owned by their employer, requires that proof of such ownership be carried in the equipment and be shown to enforcement officials and requires the Department of Conservation to provide assistance to the Department of Labor in enforcing the law. This amendment removes restrictions on access to records regarding proof of ownership in order to facilitate compliance with this legislation.

Public Law 2009, chapter 381 was enacted as an emergency measure effective June 12, 2009.

**LD 1496     An Act To Protect Benefits for State Retirees**

**PUBLIC 433  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E		H-581 TUTTLE

This bill ensures that the cost-of-living adjustment to retirement benefits based on any percentage change in the Consumer Price Index does not affect the benefits of state retirees unless that change is an increase in the Consumer Price Index.

**House Amendment "A" (H-581)**

Like the bill, this amendment is designed to protect state retirees from the impact on retirement benefits of decreases in the Consumer Price Index. This amendment requires that if the Consumer Price Index decreases, the Board of Trustees of the Maine Public Employees Retirement System shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

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### **Enacted Law Summary**

Public Law 2009, chapter 433 is designed to protect state retirees from the impact on retirement benefits of decreases in the Consumer Price Index. It requires that if the Consumer Price Index decreases, the Board of Trustees of the Maine Public Employees Retirement System shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

Public Law 2009, chapter 433 was enacted as an emergency measure effective June 17, 2009.

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LD 801	An Act To Clarify the Rights of Public Employee Unions and Public Employers To Agree through Collective Bargaining To Permit Payroll Deductions for Union Dues or Other Funds	PUBLIC 144
LD 829	An Act To Clarify the Right of Public School Employees To Engage in Collective Bargaining	PUBLIC 107 EMERGENCY

##### Not Enacted

LD 830	An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes	ACCEPTED ONTP REPORT
LD 888	Resolve, Directing the Governor and the Department of Administrative and Financial Services, Bureau of Human Resources To Remove Longevity Biases from Collective Bargaining Agreements	ONTP
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##### Enacted

LD 812	Resolve, Pertaining to Vacation Leave Earned by Seasonal Employees of the Baxter State Park Authority	RESOLVE 43 EMERGENCY
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##### Not Enacted

LD 737	An Act To Require the State To Provide Bonita Rogan with Health Insurance Benefits	DIED ON ADJOURNMENT
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#### *Employment Practices*

##### Enacted

LD 65	An Act To Increase the Ability of the Maine Wage Assurance Fund To Pay Unpaid Workers	PUBLIC 25
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LD 154	<b>An Act To Enhance the Safety of Forestry Workers and Contracted Farm Workers</b>	<b>PUBLIC 201 EMERGENCY</b>
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**Not Enacted**

LD 409	<b>An Act To Increase Leaves of Absence for State Employees and Officials Who Are Members of the National Guard or Reserves of the United States Armed Forces</b>	<b>ONTP</b>
LD 496	<b>An Act To Amend the Employment Practices Laws</b>	<b>ONTP</b>
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LD 1092	<b>An Act To Improve Worksite Accountability for Public Construction Projects by Requiring Subcontractor Identification</b>	<b>ONTP</b>
LD 1167	<b>An Act To Limit the Work Week of Doctors and Medical Residents</b>	<b>ONTP</b>
LD 1185	<b>An Act To Require Cause for Employment Termination</b>	<b>ACCEPTED ONTP REPORT</b>
LD 1441	<b>An Act To Amend and Clarify the Application of the Laws Regarding Severance Pay</b>	<b>ONTP</b>

***Health Insurance***

**Not Enacted**

LD 83	<b>An Act To Increase the Percentage of Retired Teachers' Health Insurance Paid by the State</b>	<b>DIED ON ADJOURNMENT</b>
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***Individuals with Disabilities Employment***

Enacted

LD 564      **Resolve, To Establish a Working Group of Stakeholders To Review the Current and Future Needs of Blind and Visually Impaired Individuals and To Establish Long-term Solutions To Fund Those Needs**      **RESOLVE 39**

*Labor Department*

Enacted

LD 868      **An Act To Rename the Division of Deafness within the Department of Labor**      **PUBLIC 174**

*Labor Relations*

Enacted

LD 672      **An Act To Add Maine Maritime Academy Representation to the State Employee Health Commission**      **PUBLIC 64**

*Occupational Safety*

Not Enacted

LD 658      **An Act To Require United States Occupational Safety and Health Administration Training for Government Construction Contracts**      **ONTP**

*Prevailing Wage and Benefits*

Enacted

LD 849      **An Act To Clarify the Application of the Public Works Minimum Wage Laws**      **PUBLIC 453**

*State Retirement System*

Enacted

LD 1219      **An Act To Correct Inequities for Certain Maine Community College System Employees in the Maine Public Employees Retirement System**      **PUBLIC 236  
EMERGENCY**

LD 1292      **An Act To Provide More Transparency and Protection for Public Employees in the Laws Governing the Maine Public Employees Retirement System**      **PUBLIC 322**

LD 1431      **Resolve, To Reform Public Retirement Benefits and Eliminate Social Security Offsets**      **RESOLVE 111**

LD 1496      **An Act To Protect Benefits for State Retirees**      **PUBLIC 433  
EMERGENCY**

Not Enacted

LD 26	An Act To Allow the Spouse of a Retired Public Employee a Second Chance To Be Enrolled under the Retiree's Insurance Plan	ONTP
LD 104	An Act To Fund Fully the Purchase of Military Time	DIED ON ADJOURNMENT
LD 125	Resolve, To Establish the Blue Ribbon Commission To Study the Functions and Operations of the Maine Public Employees Retirement System	
LD 292	An Act To Restore Equity to the Maine Public Employees Retirement System	ACCEPTED ONTP REPORT
LD 996	An Act To Allow Certain Retirees in the Maine Public Employees Retirement System To Return to Service with the State for 180 Days Annually	ONTP
LD 1007	An Act Pertaining to the Retirement of Certain Oil and Hazardous Material Specialists	DIED BETWEEN HOUSES

### *Unemployment Comp*

#### Enacted

LD 1454	An Act To Provide Additional Unemployment Benefits and Make Statutory Revisions in Accordance with the American Recovery and Reinvestment Act of 2009	PUBLIC 33 EMERGENCY
LD 1474	An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy	PUBLIC 271

#### Not Enacted

LD 27	An Act To Amend the Definition of Employment for Purposes of Unemployment Compensation	ONTP
LD 867	An Act Regarding Unemployment Compensation	ONTP
LD 987	An Act To Clarify the Definition of "Employee" in the Employment Security Law	LEAVE TO WITHDRAW

### *Wages*

#### Enacted

LD 64	An Act To Amend the Requirements for the Livable Wage Report	PUBLIC 11
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#### Not Enacted

LD 192	An Act To Index the State Minimum Wage to Inflation	
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LD 403	An Act To Increase the Minimum Wage	
LD 869	An Act To Require the Development of Plans To Achieve the Payment of Livable Wages by State and Local Government Employers	ONTP

*Workers' Compensation*

Enacted

LD 176	An Act To Equitably Adjust the Workers' Compensation Board's Assessment	PUBLIC 109
LD 620	An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association	PUBLIC 129
LD 621	An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer	PUBLIC 408
LD 946	An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation	PUBLIC 280
LD 1384	An Act To Clarify Apportionment of Benefits for Multiple Work Injuries	PUBLIC 301
LD 1456	An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance	PUBLIC 452

Not Enacted

LD 578	An Act Regarding Repayment of Subrogation or Lien Claims in Workers' Compensation Actions	ONTP
LD 579	An Act To Provide Wraparound Medical Coverage in the Workers' Compensation System	ONTP
LD 617	An Act To Amend the Maine Workers' Compensation Act of 1992 To Remove Independent Medical Examiners	ONTP
LD 639	An Act Regarding the Computation of Workers' Compensation Rates Based on Past Claims	ONTP
LD 1109	An Act To Prohibit the Reduction of Benefits under the Maine Workers' Compensation Act of 1992 for Certain Prior Injuries	LEAVE TO WITHDRAW

*Workforce Investment*

Enacted

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