

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
115TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR**

**AUGUST 1991**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION  
JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1991**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>CARRIED OVER</b>	<i>Bill carried over to 2nd Session</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Bill failed to get 2/3 vote</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>LVWD</b>	<i>Leave to Withdraw report accepted</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

3. It limited the application of the bill by eliminating commercial establishments from the inspection requirements of the bill and by increasing the threshold number of employees required to work at a facility from 50 to 100;
5. It revised the description of inspection standards for facilities subject to inspection under the bill, requiring the Department of Labor to incorporate, whenever possible, existing standards from other state or federal laws; and
6. It added an appropriation, allocation and fiscal note.

Senate Amendment "A" (S-428) removed the appropriation from the bill.

**LD 350      An Act Concerning Teacher Collective Bargaining Agreements      LV/WD**

<b>SPONSOR(S)</b> NADEAU HANDY PINEAU	<b>COMMITTEE REPORT</b> LV/WD	<b>AMENDMENTS ADOPTED</b>
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**SUMMARY**

Currently, arbitration for municipal employees is not binding on economic issues such as wages, pensions and insurance. LD 350 included those issues within the scope of binding arbitration under the municipal public employees labor relations laws for all bargaining disputes involving public school employees. The means of arbitration was "issue-by-issue last best offer." The discretion of arbitrators in making their decisions under the bill was limited by the adoption of 11 specific criteria, such as the ability of the local governmental unit to pay for a cost item.

**LD 351      An Act to Regulate Employee Dismissals      ONTP**

<b>SPONSOR(S)</b> MCHENRY RAND ESTY PINEAU	<b>COMMITTEE REPORT</b> ONTP	<b>AMENDMENTS ADOPTED</b>
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**SUMMARY**

LD 351 comprehensively regulated the dismissal of employees by prohibiting employers from discharging employees with one or more years tenure for other than good cause. "Good cause" was defined in the bill to include circumstances related to an employee's job performance and to legitimate economic decisions made by an employer. An exception was provided for employees hired on a contract basis with a specific duration of employment and where there existed a written agreement between the employer and employee which guaranteed severance pay at levels specified in the bill. The bill provided for all disputes concerning employment terminations to be submitted to binding arbitration at the parties' expense. Remedies available to an employee included reinstatement to the employee's former position or severance pay and the payment of back pay, attorney's fees and costs, arbitration costs and punitive damages if the discharge was an extreme departure from public policy established by statutory or constitutional law. The arbitrator's decision was subject to judicial review in the same manner as other arbitration awards.