

# 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.

**LD 390      An Act to Encourage Prompt Resolution of Workers' Compensation Cases**

**ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LUTHER MCKEEN MILLS DUTREMBLE D	ONTP	

**SUMMARY**

This bill established a limit of 135 open workers compensation cases per insurance adjuster. It provided for a penalty of \$1,000 per case for insurers involved in any case above the limit and for Whistleblowers' Protection Act protection for adjusters.

**LD 397      An Act to Amend Child Labor Laws**

**LV/WD**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
SMALL REED G PINEAU ESTY	LV/WD	

**SUMMARY**

The bill strengthened school officials' authority to issue and monitor work permits based upon the students' attendance and performance in school. The bill also limited students' work hours while school was in session. LD 397 contained the recommendations of the Governor's Advisory Committee on Truancy, Dropout and Alternative Education.

Provisions of the bill were incorporated into an omnibus child labor bill, the new draft of LD 905.

**LD 399      An Act to Effect Cost Savings and Ensure Worker Safety by Implementing Sexual Harassment Education and Training in the Workplace**

**PUBLIC 474**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
RAND AULT ESTY CONLEY	OTP-AM	H-527

**SUMMARY**

LD 399 required workplace posting, employee notification and, in larger workplaces, training and education for all employees on identifying and correcting sexual harassment in the workplace. The bill also increased the monetary penalties for violations of the Maine Human Rights Act.

Committee Amendment "A" (H-527) made the following changes to the bill:

1. It clarified that civil penal damages awarded pursuant to the Maine Human Rights Act may be awarded to the victim of unlawful discrimination if the victim pursues a private right of action and that increased damages may be awarded only in the case of a 2nd, 3rd or subsequent order against the respondent arising under the same subchapter of the Maine Human Rights Act;

2. It required employers to conduct an education and training program for all new employees, including managerial and supervisory employees, within one year of commencement of employment; and
3. It required that employees be notified of the employer's internal complaint process regarding sexual harassment.

**LD 415      An Act to Amend the Laws Pertaining to Leaves of Absence for a Legislator      LV/WD**

SPONSOR(S) CLARK H TRACY MAYO CONLEY	COMMITTEE REPORT LV/WD	AMENDMENTS ADOPTED
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**SUMMARY**

LD 415 removed the limit on the number of leaves of absence from employment to which a Legislator is entitled.

**LD 418      An Act to Exempt Illegally Employed Minors from Worker's Compensation Coverage      ONTP**

SPONSOR(S) RAND MCKEEN MCHENRY ESTY	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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**SUMMARY**

LD 418 removed illegally employed minors from the definition of employee under the workers' compensation law and thereby removed employers of such minors from the exclusivity provisions of the law and subjected them to other possible legal action.

A similar provision was incorporated into an omnibus child labor bill, the new draft of LD 905.

**LD 433      An Act to Amend the Definition of Aquaculture      LV/WD**

SPONSOR(S) FOSTER ESTES TOWNSEND HEINO	COMMITTEE REPORT LV/WD	AMENDMENTS ADOPTED
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**SUMMARY**

This bill expanded the definition of aquaculture in the workers' compensation law to include lobster pounding.