

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

AUGUST 1991

MEMBERS:

**Sen. Donald E. Esty, Jr.
Sen. Gerard P. Conley, Jr.
Sen. David L. Carpenter*

**Rep. Edward A. McHenry
Rep. Richard P. Ruhlin
Rep. Anne M. Rand
Rep. Elden McKeen
Rep. Edward L. Pineau
Rep. Vivian St. Onge
Rep. Rosalie H. Aikman
Rep. Peter Hastings
Rep. Richard A. Bennett
Rep. Sumner H. Lipman*

Staff:

Dyan M. Dyttmer, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207) 289-1670*

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
ULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
RON CLARK
RYAN M. DYTTER
BRO FLATEBO
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
KANE ORBETON



KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
MARGARET J. REINSCH
PAUL J. SAUCIER
HAVEN WHITESIDE
MILA M. DWELLEY, RES. ASST.
ROY W. LENARDSON, RES. ASST.
BRET A. PRESTON, RES. ASST.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

**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:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<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 871 An Act Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CLARK H MCHENRY TRACY CONLEY	ONTP	

SUMMARY

Under this bill, workers' compensation occupational injury or disease claims would be subject to a notice requirement to the employer of 30 days from injury or death or 30 days from the date the employee or person acting on the employee's behalf was aware or should have been aware of the relationship between the injury or death and the employment. Failure to give timely notice would not be a bar if no prejudice results to the employer. The burden of proof regarding notice would be on the employee after the employer shows noncompliance with the notice requirement.

LD 875 An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers DIED ON ADJOURNMENT

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LUTHER PINEAU BUSTIN MILLS	OTP-AM MAJ ONTP MIN	

SUMMARY

LD 875 prohibited a professional strikebreaker from providing replacement employees to an employer involved in a labor dispute. "Professional strikebreaker" was defined to include any company that had on at least 3 occasions in the previous 5 years contracted to supply 100 or more replacement employees to employers involved in labor disputes. Security guards, special maintenance workers and previous employees of the employer were exempt from the prohibition.

Committee Amendment "A" (H-324) added a fiscal note to the bill.

LD 902 An Act to Provide for Medical Cost Containment in Workers' Compensation ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUTLAND PINEAU HASTINGS REED G	ONTP	

SUMMARY

This bill required the use of generic drugs in medical treatment of workers' compensation cases. It allowed the injured worker personal choice of physician or surgeon on initial visit and the next visit. It allowed the insurer or self-insurer to require approval from the commissioner for selection of a third physician or surgeon by the injured worker.