

# 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  
DON CLARK  
DYAN M. DYTTER  
BRO FLATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
KANE ORBETON



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

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.

**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 978**

**An Act to Clarify the Burden of Proof in Workers' Compensation Cases Involving Issues Concerning the Search for Work**

**ONTP**

**SPONSOR(S)**  
REED G  
EMERSON  
BENNETT

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill established that an injured employee who has recovered partial work capacity has the burden of proving that suitable work that the employee is able to perform is not regularly and continuously available to the employee for workers' compensation purposes.

**LD 984**

**An Act to Amend the Workers' Compensation Law**

**ONTP**

**SPONSOR(S)**  
MCKEEN  
RAND

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill removed the exemption from common law liability applicable under workers' compensation law to employers and supervisors in situations of gross negligence or violation of governmental or occupational health and safety standards resulting in injury or death to an employee.

**LD 998**

**An Act to Provide Provisional Orders for Workers' Compensation Cases**

**ONTP**

**SPONSOR(S)**  
CONLEY  
MARTIN J

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill authorized the workers' compensation commissioner to issue provisional orders requiring an insurer or employer to make payments pending final decision. The commissioner was required to find the following, by clear and convincing evidence, prior to issuing an order: that the employee is suffering from a severely incapacitating injury, that the employee and the employee's dependents are financially necessitous and that the employee is likely to obtain compensation for the injury at the final decision. It included credit for the employer when a final order is issued. Overpayments were to be reimbursed to the employer from the Second Injury Fund. There was a circuit breaker for the fund through prevention of further provisional orders when the fund balance was below \$400,000.