

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 1528 **An Act to Enhance the Availability of Group and Individual Self-insurance Information and to Prevent Conflicts of Interest under the Workers' Compensation Act** **ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MILLS MITCHELL E	ONTP	

SUMMARY

This bill transferred the authority for approval of workers' compensation self-insurance, both individual and group, from the Superintendent of Insurance to the Chair of the Workers' Compensation Commission. This bill also provided that the employees' representatives or the union representing the involved workers may be given access to information concerning an employer's self-insurance.

LD 1530 **An Act to Provide for Open and Responsible Access to Workers' Compensation, Workplace Injury, Workers' Compensation Insurance and Self-insurance Records and to Prohibit the Use of These Records for Unlawful Discriminatory Purposes** **ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KANY TRACY JOSEPH ESTY	ONTP	

SUMMARY

This bill allowed workers' compensation records to be open to the public under specified conditions. The records must be provided in written form and in response to a written request. The person requesting the records must agree not to release the records except in a public and open publication and agree not to use the records for discriminatory or improper purpose. A person who is a resident outside the State must submit to the jurisdiction of the Maine courts and post a surety bond of at least \$100,000. The bill provided that a record may not be made available to an employer involved in the job assignment process. The bill created joint and several liability for any damages resulting from improper handling or transmission of workers' compensation records.

LD 1554 **An Act to Provide That Workers' Compensation Claims Are Work Related** **ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HASTINGS BRAWN	ONTP	

SUMMARY

This bill amended the definition of injury in the Workers' Compensation Act to return it to its 1975 definition, an injury by an accident arising out of and in the course of employment. It required the injury to be established and proven by objective medical evidence. It excluded ordinary diseases of life and allowed conditions of the aging process to be compensable only if employment was the predominant cause of the condition. It required sprains or strains to be of recent origin and to have been reported to the employer within 48 hours to be compensable. It established apportionment of work-related injuries and non-work-related injuries and apportionment of financial responsibility.