

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**JULY 1993**

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

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

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employee's job performance and legitimate business decisions made by an employer. The requirement of good cause does not apply if the employee contracted to work for a specific duration or the employer agreed to provide severance pay equal to one month's pay for every year of service. The bill would have provided for all disputes concerning employment terminations to be submitted to binding arbitration. If the arbitrator decides that a violation has occurred, the arbitrator may award reinstatement and back pay or severance pay, and attorney's fees and costs. If the arbitrator finds that the employee's complaint was frivolous, attorney's fees and costs may be awarded to the employer. The arbitrator's decision would be subject to judicial review in accordance with the Uniform Arbitration Act, Title 14, chapter 706.

**LD 707      An Act Concerning the Maine Unemployment Insurance Commission      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
PENDEXTER	ONTP	MAJ	
BEGLEY	OTP	MIN	

**SUMMARY**

This bill would have amended the employment security laws to specify that a decision of the Unemployment Insurance Commission must be made by the chair and at least one other member of the commission. Under current law, the chair of the commission must decide a case alone if one of the other two commissioners is absent or disqualified from a case.

**LD 708      An Act to Change the Labor Laws that Apply to Students under 18 Years of Age      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
PINEAU	ONTP		
CAREY			

**SUMMARY**

This bill would have changed the child labor laws related to minors 16 and 17 years of age to allow them to work additional hours when an authorized school closure occurs. The maximum hours allowed in a week would be increased from 20 to 28 in any week in which there is an authorized school closure.

A similar provision was incorporated into LD 1180.

**LD 802      An Act to Improve the Unemployment Collection Process for Employer Contributions      PUBLIC 312**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
BEGLEY	OTP-AM	MAJ	H-439    AIKMAN
	ONTP	MIN	S-156

**SUMMARY**

This bill expands the powers of the Bureau of Employment Security to collect delinquent unemployment taxes from employers and pass along the costs of collection efforts to delinquent taxpayers rather than raising employer taxes or borrowing federal funds to replenish the state's Unemployment Compensation Fund. The bill removes a 6-year statute of limitations for cases with intent to evade liability and establishes a 4-year period in which assessments must be made, with the running of the period of

limitations stayed during bankruptcy proceedings or judicial review. The bill also authorizes the bureau to effect a denial, suspension or revocation of specific licenses to conduct a profession, trade or business for failure to file reports or make required payments to the fund. The bill authorizes the bureau to pursue collection of a corporation's delinquent payments from an officer, director or shareholder of the corporation in specific instances. The bill also raises the penalty for failure to file timely payroll reports from \$10 to \$25.

The majority report of the committee (S-156) amends the section removing the statute of limitations by adding the requirement that the intent to evade liability be "willful", by removing the section of the bill imposing personal liability on corporate officers, by raising the filing fee for recording liens from \$5 to the usual and customary fee, and by replacing the section on revocation of licenses to more closely parallel the statute giving comparable authority to the Bureau of Taxation.

House Amendment "B" to Committee Amendment "A" (H-439) prohibits the Department of Labor from revoking a license if there is a dispute about the amount owed until all appeals are exhausted and also provides for a fact-finding interview to determine a reasonable payment agreement.

**LD 860      An Act to Amend the Workers' Compensation Laws for Workers      PUBLIC 209**  
**in Certain Marine Resources Industries**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
FOSTER	OTP-AM	S-134

**SUMMARY**

This bill amends the definition of aquaculture to include employees whose work involves lobsters under the alternative liability and medical insurance provisions in the Maine Workers' Compensation Act of 1992.

The Committee Amendment (S-134) replaces the original bill with a definition of aquaculture which includes commercial production at hatcheries or nurseries and cultivating activities on water. This language is based on the sales tax exemption for aquaculture production found in Public Law 1993, c. 151 (LD 702).

**LD 875      An Act to Improve Access of Injured Workers to Medical      PUBLIC 261**  
**Care**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
ST. ONGE	OTP-AM	H-331

**SUMMARY**

This bill extends the reporting periods for providers of health care treating workers' compensation cases from 5 days to 10 days, requires insurers to pay the health care providers within 30 days and allows for criminal penalties only where the provider "knowingly" filed a false claim. In addition, the bill eliminates the provision disqualifying from serving as an independent medical examiner any health care provider who had treated any patient during the previous 52 weeks at the request of an insurance company, employer or employee but retains the disqualification when the provider had treated that particular patient previously.

The Committee Amendment (H-331) removes all sections of the bill except the provision allowing for criminal penalties only when the provider knowingly files a false claim.