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
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR

AUGUST 1995

MEMBERS:
**Sen. Charles M. Begley*
Sen. S. Peter Mills
Sen. Anne M. Rand

**Rep. Pamela H. Hatch*
Rep. John L. Tuttle, Jr.
Rep. Gail M. Chase
Rep. Patricia Lemaire
Rep. Roland B. Samson
Rep. Henry L. Joy
Rep. Steven Joyce
Rep. Robert E. Pendleton, Jr.
Rep. Vaughn A. Stedman
Rep. Tom J. Winsor

**Denotes Chair*

Staff:
Lisa Copenhaver, Legislative Analyst
David Elliott, Principal Analyst

Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670

Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS
State House Station 13, Augusta, Maine 04333
Telephone (207) 287-1670
Telecopier (207) 287-1275

ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION

SUMMARY OF LEGISLATION BEFORE THE JOINT STANDING COMMITTEES

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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, together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various categories of final action are abbreviated as follows:

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

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

issued, the parties get a final opportunity to negotiate a settlement. If the parties fail to settle within 10 days, the bill would have provided that the arbitrators' rulings are binding on both parties for all issues submitted. In a letter dated April 28, 1995, the Attorney General indicated that a similar bill, LD 537, would be a municipal mandate under Article IX, Section 21 of the Maine Constitution.

LD 95 An Act to Clarify Liability of Employers of Domestic Employees Regarding Workers' Compensation — ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RUHLIN	ONTP	

SUMMARY

This bill would have excluded a person engaged in domestic service from the definition of "employee" in the Maine Workers' Compensation Act. The committee was informed that such an exemption is already provided in 39-A MRSA §401(1)(A).

LD 121 An Act to Make the Workers' Compensation Laws for Temporary Employees Consistent with Those Laws for Permanent Employees — PUBLIC 297

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CAMPBELL	OTP-AM	H-401

SUMMARY

Under current case law, if an employer uses an employee who is technically employed by someone else, such as a temporary help service, that employer is entitled to the immunity granted under the workers' compensation laws. This bill is intended to spell out this application of the employer's immunity in the workers' compensation statute.

COMMITTEE AMENDMENT "A" (H-401) clarifies that the immunity applies only if the temporary service agency has obtained workers' compensation coverage. The amendment also clarifies that the immunity only applies when the loaned employee is under the direction and control of the 3rd party. The amendment also adds a fiscal note to the bill.

LD 131 An Act to Permit Suit against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death — ONTP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
TREAT	ONTP	MAJ	
	OTP-AM	MIN	

SUMMARY

This bill would have allowed the heirs or the estate of an employee to bring an action for wrongful death against an employer who intentionally requires an employee to work when the employer knows that there is a risk of serious bodily injury or death.

LD 143 An Act to Increase the Minimum Wage in Maine — PUBLIC 305

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
VOLENIK	OTP-AM	MAJ	H-67
RAND	OTP-AM	MIN	