

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR**

**JULY 1999**

***MEMBERS:***

*Sen. Neria R. Douglass, Chair*

*Sen. Lloyd P. LaFountain, III*

*Sen. S. Peter Mills*

*Rep. Pamela Henderson Hatch, Chair*

*Rep. Roland B. Samson*

*Rep. Zachary E. Matthews*

*Rep. Roger D. Frechette*

*Rep. Albion D. Goodwin*

*Rep. Christopher T. Muse*

*Rep. Russell P. Treadwell*

*Rep. Jay MacDougall*

*Rep. Adam Mack*

*Rep. Gerald M. Davis*

***Staff:***

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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing and Select Committees**  
**August 1999**

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

*CARRIED OVER.....Bill carried over to Second Regular 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 IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill*  
*DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died*  
*EMERGENCY..... Enacted law takes effect sooner than 90 days*  
*ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage*  
*NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died*  
*INDEF PP.....Bill Indefinitely Postponed*  
*ONTP..... Ought Not To Pass report accepted*  
*OTP ND..... Committee report Ought To Pass In New Draft*  
*OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title*  
*P&S XXX..... Chapter # of enacted Private & Special Law*  
*PUBLIC XXX..... Chapter # of enacted Public Law*  
*RESOLVE XXX..... Chapter # of finally passed Resolve*  
*UNSIGNED.....Bill held by Governor*  
*VETO SUSTAINED.....Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

**LD 118****An Act to Exclude Claims for Intentional Criminal Acts from the Application of the Workers' Compensation Act of 1992****DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM MAJ ONTP MIN	

LD 118 proposed to allow a civil suit to be brought outside the Workers' Compensation Act against an employer who engaged in intentional acts that would be punishable as crimes and that resulted in the employee's injury or death. Under current law, the workers' compensation act is the exclusive remedy for workplace injuries; this bill proposed to create an exception for injuries caused by the employer's intentional criminal acts.

**Committee Amendment "A" (S-227)** proposed to add a right of subrogation for insurers against employers who commit intentional acts punishable as crimes against their employees. (not adopted)

**LD 136****An Act to Forbid Hiring Replacement Workers during a Strike****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE PARADIS		

LD 136 proposes to repeal the law prohibiting an employer from hiring replacement workers during a strike, since those laws have been ruled preempted by federal law. It also proposes to require that the contract between an employer and replacement workers provide that, when the strike is settled or the employees offer unconditionally to return to work, the replacement workers will not be retained in preference to the strikers.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 156****An Act to Amend the Laws Regarding the Maine Jobs Council****PUBLIC 6**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP	

LD 156 proposed to amend the laws governing the Maine Jobs Council. Under current law, each of the council's committees is allowed to have up to 12 members, with no more than four of those committee members being noncouncil members. This bill proposed to allow up to eight noncouncil members to sit on each committee.

This bill was submitted on behalf of the Department of Labor.

***Enacted law summary***

Public Law 1999, chapter 6 changes the laws governing the Maine Jobs Council to allow up to eight persons who are not members of the Council to sit on each of the council's committees. Current law allows up to four persons who are not members to sit on each of the committees.