

# 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 584**

**An Act to Eliminate the Requirement for an Independent Medical Examination under Certain Circumstances**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	ONTP	

LD 584 proposed to remove the requirement that an employee undergo an independent medical examination under the workers' compensation laws if a medical specialist's report is made available to the parties within a reasonable period of time after an independent medical examination is requested or ordered.

**LD 586**

**An Act to Abolish Apportionment in Workers' Compensation Claims**

**CARRIED OVER**

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

LD 586 proposes to adopt the “last injury rule” for determining who is responsible for paying workers’ compensation benefits when an employee suffers two or more consecutive work-related injuries. Current law requires the apportionment of liability among insurers providing coverage during any of the injuries; LD 586 proposes to make the last insurer responsible for the entire injury.

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

**LD 646**

**An Act to Reform the Unemployment Compensation System**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP	

LD 646 proposed to make several changes in the state unemployment compensation laws to improve the solvency of the unemployment compensation fund, including raising the taxable wage base from \$7,000 to \$12,000, lowering the cap on benefits, providing for two-quarter averaging of wages used to determine the benefit, and use of an array system to determine the tax rate that an employer pays.

**LD 670**

**An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry**

**PUBLIC 364**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J HATCH	OTP-AM MAJ OTP-AM MIN	S-269

LD 670 proposed to require all persons engaged in harvesting forest products to carry workers' compensation insurance, except an individual who contracts directly with the landowner to harvest the wood and who performs all of the wood harvesting alone or with certain closely-related family members.

**Committee Amendment "A" (S-269)** was the majority report of the committee. It proposed to specify that all persons engaged in harvesting forest products are “employees” under the workers' compensation law, except a person who obtains a certificate of independent status or a predetermination of independent contractor status and who contracts