

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*July 2003*

**Members:**

*Sen. Betheda G. Edmonds, Chair  
Sen. Steven S. Stanley  
Sen. Kenneth Blais*

*Rep. William J. Smith, Chair  
Rep. Deborah J. Hutton  
Rep. Paul R. Hatch  
Rep. John L. Patrick  
Rep. Thomas R. Watson  
Rep. Russell P. Treadwell  
Rep. Philip Cressey, Jr.  
Rep. Robert W. Nutting  
Rep. Theodore H. Heidrich  
Rep. Troy D. Jackson*

**Staff:**

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

*Joint Standing Committee on Labor*

**LD 32**                      **An Act to Provide a 5% Increase in the State's Contribution for Insurance for Retired Teachers**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN MITCHELL	OTP-AM	H-55

LD 32 proposed to increase the State's contribution for health insurance for retired educators from 40% to 45% beginning July 1, 2004.

**Committee Amendment "A" (H-55)** proposed to add an appropriation and allocation section to the bill.

LD 32 was enacted in the House, but died on the Appropriations Table.

**LD 34**                      **An Act to Ensure that Child Labor Laws Apply to Public Sector Employers**                      **PUBLIC 10**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS SMITH W	OTP	H-11    SMITH W

LD 34 proposed to apply the child labor laws to public employers. Currently, those laws apply only to private employers. Child labor laws require work permits for minors, limit the hours that minors may work and prohibit them from working in certain hazardous workplaces.

**House Amendment "A" (H-11)** proposed to exclude service in the National Guard from application of the child labor laws.

*Enacted Law Summary*

Public Law 2003, chapter 10 provides that child labor laws apply to public employers as well as to private employers, except that they do not apply to service in the National Guard.

**LD 35**                      **An Act To Increase the Assessment on Workers' Compensation Insurance To Fund the Workers' Compensation Board Administrative Fund**                      **PUBLIC 425 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM    MAJ	S-255    EDMONDS
	OTP-AM    MIN	S-61

LD 35 proposed to increase the maximum allowable assessment to support the activities of the Workers' Compensation Board to \$8,350,000 in fiscal year 2003-04 and \$8,525,000 in fiscal year 2004-05.

## *Joint Standing Committee on Labor*

**Committee Amendment "A" (S-61)**, the majority report of the committee, proposed to add an appropriation/allocation section.

**Committee Amendment "B" (S-62)**, the minority report of the committee, proposed to limit the assessment to \$7,546,000 beginning in fiscal year 2003-04 and to create a 4-member commission to review the Workers' Compensation Board's process for establishing, approving and monitoring its budget. This amendment was not adopted.

**Senate Amendment "B" to Committee Amendment "A" (S-255)** proposed to increase the maximum allowable assessment to support the activities of the Workers' Compensation Board to \$8,390,000 in fiscal year 2003-04, \$8,565,000 in fiscal year 2004-05 and \$8,525,000 in fiscal year 2005-06 and thereafter. The amendment also proposed to restore the worker advocate and support staff positions to continue program operation. Included in the increased assessment cap for fiscal years 2003-04 and 2004-05 would be \$40,000 for the board to contract for programming services to implement electronic filing by insurers and self-insurers.

The amendment proposed to require the Workers' Compensation Board to adopt rules requiring the electronic filing of information with the board. The rules would be routine technical rules but must be developed through the consensus-based rule development process described in the Maine Administrative Procedure Act.

The amendment also proposed to create a 6-member commission to review the Workers' Compensation Board's process for establishing, approving and monitoring its budget, with 4 Legislators and 2 members of the Workers' Compensation Board. The commission would report its findings and recommendations to the Joint Standing Committee on Labor by December 3, 2003.

This amendment proposed to add an emergency preamble and clause and specify an effective date of July 1, 2003.

### ***Enacted Law Summary***

Public Law 2003, chapter 425 increases the cap on the assessment levied to fund the operations of the Workers' Compensation Board to \$8,390,000 in fiscal year 2003-04, \$8,565,000 in fiscal year 2004-05 and \$8,525,000 in fiscal year 2005-06. Included in the increased assessment cap for fiscal years 2003-04 and 2004-05 is \$40,000 for the board to contract for programming services to implement electronic filing by insurers and self-insurers. The law also provides for the worker advocate and support staff positions that were not included in the Part 1 budget bill due to lack of revenue to fund the positions.

The law requires the Workers' Compensation Board to adopt rules requiring the electronic filing of information with the board. The rules are routine technical rules but must be developed through the consensus-based rule development process described in the Maine Administrative Procedure Act.

The law creates a 6-member commission to review the Workers' Compensation Board's budget process for establishing, approving and monitoring its budget, with 4 Legislators and 2 members of the Workers' Compensation Board. The commission will report its findings and recommendations to the Joint Standing Committee on Labor by December 3, 2003.

Public Law 2003, chapter 425 was enacted as an emergency measure, effective July 1, 2003.