

# 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*

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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*

**Committee Amendment "B" (H-192)**, the minority report of the committee, proposed to replace the bill. It proposed that all rules to require electronic filing of information are major substantive rules and must be brought to the Legislature for review before being finally adopted. It also proposed to require the Workers' Compensation Board to use the consensus-based rule development process described in the Maine Administrative Procedure Act to develop the rules and specify certain additional requirements. This amendment was not adopted.

**Senate Amendment "A" (S-243)** proposed to specify that the electronic filing rulemaking required by Committee Amendment "A" must be developed through the consensus-based rule development process and must include certain participants. The Workers' Compensation Board would be required to test the electronic filing process to ensure that it functions correctly. This amendment also proposed to increase the cap on assessments by \$40,000 for each of the fiscal years 2003-04 and 2004-05 and allocate the additional \$40,000 for the implementation of the electronic filing system.

See LD 35, which incorporates the provisions of Committee Amendment "A" as amended by Senate Amendment "A."

### **LD 361**

### **An Act to Amend the Laws Governing Wage and Benefit Records of Persons Working on Public Works Projects**

**PUBLIC 432**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM    MAJ	H-93
EDMONDS	ONTP      MIN	

LD 361 proposed to require the contractor and each subcontractor in charge of the construction of a public work, on a weekly basis, to file a wage and benefit record with the public authority that entered into the contract. It proposed to require that the record be open at all reasonable hours to the inspection of any aggrieved party or resident of this State.

**Committee Amendment "A" (H-93)** proposed to replace the bill and to provide that the records kept by contractors and subcontractors on public works construction projects must include information about independent contractors working with them as well as information about their employees. It also proposed to require that the records be filed monthly rather than weekly. It proposed to provide that the records filed with the public authority are public records, but the public authority must adopt rules to prevent the disclosure of certain personal information, such as a person's Social Security number or taxpayer identification number.

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

Public Law 2003, chapter 432 requires contractors and subcontractors on public works projects to monthly file their wage and benefit records with the public agency that entered into the contract. The records must include information about independent contractors working with the contractors and subcontractors as well as information about employees of those contractors and subcontractors. The records filed with the public agency are public records, but the public agency must adopt rules to prevent the disclosure of certain personal information, such as a person's Social Security number or taxpayer identification number.