

# 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  
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Rep. Russell P. Treadwell  
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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 398**

**An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts**

**PUBLIC 471**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ	S-239 EDMONDS
HATCH PR	ONTP MIN	

LD 398 proposed to require employers and insurers, beginning January 1, 2004, to file with the Workers' Compensation Board reports of workplace injuries that require medical care, even if the injury did not cause the employee to lose a day's work. It proposed to require that the reports be filed electronically and to place the ultimate responsibility for timely and accurate filing of first reports of injury on insurers, self-insurers and group self-insurers.

Finally, the bill proposed to require the Bureau of Labor Standards to convene a working group to develop a plan to use information about work-related injuries to identify the causes of such injuries and find ways to prevent them from occurring.

**Committee Amendment "A" (S-80)**, which was the majority report of the Joint Standing Committee on Labor and was not adopted, proposed to require the filing of medical-only forms only if the Board adopts rules to require electronic filing of such reports. It proposed to require the Board to adopt rules requiring electronic filing of all information required to be filed and classified those rules as major substantive, except for rules requiring electronic filing of forms that are already required to be filed with the Board (lost-time claims). It also proposed increase the limit on assessments to fund the Workers' Compensation Board Administrative Fund to fund the costs of developing and implementing electronic filing.

**Senate Amendment "A" (S-239)** proposed to clarify that employers are required to file reports of medical-only claims with the Board only if the major substantive rule-making process has been completed. This amendment also proposed to remove the increase in the assessment limit.

***Enacted Law Summary***

Public Law 2003, chapter 471 provides that employers may be required to electronically file with the Workers Compensation Board reports of injuries that required medical attention, but did not result in loss of work days, if the Board adopts major substantive rules to require such filing.

**LD 411**

**An Act To Provide Employees Fair Access to Personnel Files**

**PUBLIC 58**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PR	OTP-AM	H-54
EDMONDS		

LD 411 proposed to amend the law giving an employee the right to review that employee's personnel file by requiring the employer to furnish a copy of the personnel record without cost within 5 days of the employee's written request for the copy.

## *Joint Standing Committee on Labor*

**Committee Amendment "A" (H-54)** proposed to limit the number of copies of a personnel file that must be provided at the employer's expense in each calendar year. It proposed to require that the employer provide a copy of the entire personnel file when the employee or former employee requests it, at no cost to the employee. Upon a second request in the same calendar year, the employer would be required to provide at the employer's expense only a copy of material added to the personnel file between the time the entire file was copied and the time of the request. An employee or former employee may make other requests in the same calendar year, but the employee must pay the costs of copying any additional material requested.

This amendment also proposed to delete the requirement in the bill that a copy of a personnel file be provided within 5 days of a request. Current law requiring that the copy be provided within 10 days would remain unchanged.

### *Enacted Law Summary*

Current law gives employees in the private sector the right to review their personnel files and to obtain a copy of the file, at the employee's expense. Public Law 2003, chapter 58 amends the law to require that, in each calendar year, the employer is required to provide a copy of the entire personnel file when the employee or former employee requests it, at no cost to the employee. Upon a second request in the same calendar year, the employer would be required to provide at the employer's expense only a copy of material added to the personnel file between the time the entire file was copied and the time of the request. An employee or former employee may make other requests in the same calendar year, but the employee must pay the costs of copying any additional material requested.

**LD 414                      An Act To Require the State To Fully Pay for Health Insurance for  
Maine's Retired Educators                      ONTP**

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

LD 414 proposed to increase the State's contribution for health insurance for retired educators to 100% beginning July 1, 2004.

**LD 457                      An Act To Supplement Benefits for State Employees and Teachers  
Whose Pensions Are Subject to Reductions Enacted in 1993                      ONTP**

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

LD 457 was a concept draft that proposed to create a new defined contribution plan as a supplemental benefit for state employees and teachers who are affected by the retirement cliff and who are not in special retirement plans beginning January 1, 2004.

Contributions to the plan would be calculated at the rate of 2% of an employee's salary or wages earned after December 31, 2000. The amount would be deducted from the employee's existing required contribution to the Maine State Retirement System, but the employee's defined benefits under the MSRS would not be diminished. Amounts contributed to the plan would be managed by MSRS for the benefit of each employee in a non-lapsing