

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Labor*

May 2004

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

*Rep. William J. Smith, Chair
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Maine State Legislature



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

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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:

- 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
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
- FAILED MANDATE ENACTMENT Bill imposing local mandate failed to get 2/3 vote
- 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
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
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Joint Standing Committee on Labor

LD 71 **An Act to Ban Strikebreakers** **ONTP**

<u>Sponsor(s)</u> PINEAU	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 71 proposed to require that a contract between an employer and replacement workers must include a statement that when the strike is settled or employees offer unconditionally to return to work, the replacement workers will not be retained in preference to the returning workers.

LD 71 was reported out of committee during the 1st Regular Session with a divided report (OTP-AM; ONTP), then referred back to the Labor Committee and carried over. During the 2nd Regular Session, a majority committee amendment based on a 1991 bill (LD 511) was proposed. The amendment would have required inspection of certain industrial worksites that contain hazardous materials or equipment if more than 50% of the workforce at the site had less than 6 months of experience on the job. The committee voted OTP-AM; ONTP on the proposal, but later reconsidered and voted ONTP unanimously.

LD 550 **An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators** **ONTP**

<u>Sponsor(s)</u> EDMONDS SMITH W	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 550 proposed to transfer the authority to hire workers' compensation hearing officers and mediators from the Workers' Compensation Board to the board's Executive Director.

See LD 1909 (Public Law 2003, chapter 608), which restructures the Workers' Compensation Board to a 7-member board, including the Executive Director as a member. The odd number of members is designed to prevent deadlock on board decisions including decisions on appointing or reappointing hearing officers.

LD 561 **An Act To Improve Standards for Public Assistance to Employers in the State** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> HUTTON EDMONDS	<u>Committee Report</u> OTP-AM MAJ ONTP MIN	<u>Amendments Adopted</u>
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LD 561 proposed to require recipients of certain state and local economic development incentives to meet certain criteria regarding wages, benefits and compliance with federal, state and local laws. The economic development incentive programs include tax increment financing, tax credits or tax reimbursement for investments and creation of jobs, and grants under the Governor's Training Initiative. Recipients under some of the programs would be required to pay a living wage to employees and provide retirement and health insurance benefits. Recipients under

Joint Standing Committee on Labor

other programs would be required to give all their employees the same wages and benefits as they give to qualified employees (employees whose hiring qualifies the employer for the economic development incentive).

Committee Amendment "A" (H-820) proposed to move the language to a more appropriate location in the Maine Revised Statutes. The amendment proposed to define "living wage" as a wage that would provide sufficient funds to meet the annual basic needs budget developed pursuant to law by the State Planning Office. It also proposed to require that the group health insurance provided by a business receiving an economic development incentive must be at least as comprehensive and beneficial as Dirigo Health Insurance. The amendment proposed to add a requirement that businesses must allow employees to return to their jobs following a strike or lockout. The amendment proposed to add a provision to the law governing the Business Equipment Tax Reimbursement program to deny reimbursement to a company that is in bankruptcy.

LD 575 **An Act To Encourage Workers' Compensation Dispute Resolutions** **INDEF PP**

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

LD 575 proposed to authorize the Workers' Compensation Board to levy a \$500 surcharge on an employer if, at the conclusion of mediation, the employee obtained or retained more benefits than the employer had offered prior to mediation. It also proposed to authorize a \$1,500 surcharge on an employer if, at the conclusion of a formal hearing, the employee obtained or retained more benefits than the employer had offered prior to the hearing. The surcharges would be deposited in a dedicated fund to be used to defray the costs of the workers' compensation advocate program.

Committee Amendment "B" (H-639) proposed to delete language allowing the Workers' Compensation Board to impose surcharges on employers who do not prevail at mediation sessions or formal hearings. Instead, the amendment proposed to require the Board to assess a \$1,000 user fee against an employer if, following a formal hearing, the employee obtained or retained more benefits than the employer offered prior to the formal hearing.

LD 673 **An Act To Increase Maine's Minimum Wage** **PUBLIC 697**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH PATRICK	OTP-AM MAJ ONTP MIN	S-359 S-491 HATCH PH S-563 CATHCART

LD 673 proposed to increase the state minimum wage to \$6.65 per hour beginning October 1, 2003 and to \$7 per hour beginning October 1, 2004. The state minimum wage is currently \$6.25 per hour.

Committee Amendment "A" (S-359) proposed to change the starting date for increases in the minimum wage. The amendment proposed to increase the minimum wage to \$6.65 on October 1, 2004 and to \$7 on October 1, 2005.