

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*August 2005*

**Members:**

*Sen. Ethan Strimling, Chair  
Sen. Philip L. Bartlett, II  
Sen. Lois A. Snowe-Mello*

*Rep. William J. Smith, Chair  
Rep. John L. Tuttle, Jr.  
Rep. Deborah J. Hutton  
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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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).

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
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
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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

## *Joint Standing Committee on Labor*

LD 878 proposed to allow an employee who receives payment from an income protection plan or other contractual agreement for an injury to assign the employee's workers' compensation claim to the 3rd party providing payment under that income protection plan or contractual agreement. The bill proposed to limit the amount of assignment of the claim to the amount of compensation received under the income protection plan or other contractual agreement, and to specify that the assignment must be in writing and signed by the employee.

**LD 879**

### **An Act To Ensure Equity in Appeals of Workers' Compensation Cases**

**ONTP**

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

LD 879 proposed to allow the suspension of benefits awarded by decision of the Workers Compensation Board, pending appeal of that decision to the Law Court, if the benefits were awarded in the form of a sum certain that accrue to the date of the decree.

**Committee Amendment "A" (S-92)** which was the minority report of the committee and was not adopted, proposed to allow the suspension of benefits awarded in the form of a sum certain that accrue to the date of the decree pending a motion for findings of facts and conclusions of law in addition to pending an appeal to the Law Court.

**LD 881**

### **An Act To Amend the Maine Workers' Compensation Act of 1992 To Facilitate Timely Independent Medical Examinations and Benefit Payments**

**ONTP**

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

LD 881 proposed to expand the number of qualified medical professionals who are eligible to perform independent and more timely medical assessments relating to workers' compensation medical benefits, in response to a recent case, *Lydon v. Sprinkler Services*, 841 A2d 793 (Me. 2004), in which the Law Court concluded that the Maine Revised Statutes, Title 39-A, section 312, subsection 2 precludes the use of a physician as an independent medical examiner if that physician has examined any employee, not merely the employee whose case is at issue. The bill proposed to specify that it is a physician who examines "the" employee, not any employee, at the request of an insurance company during the previous 52 weeks who is prohibited from serving as an independent medical examiner.

**Committee Amendment "A" (S-81)**, which was the minority report of the committee and was not adopted, proposed to make a technical correction to the bill to clarify that a physician is disqualified from being an independent medical examiner only for a specific employee's case if the physician has previously examined that employee pursuant to the Maine Revised Statutes, Title 39-A, section 207 in the previous 52 weeks.

See also LD 302, which was enacted as Public Law 2005, chapter 24.