

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
Rep. Troy D. Jackson
Rep. Herbert E. Clark
Rep. Timothy E. Driscoll
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Rep. Philip A. Cressey, Jr.
Rep. Darren M. Hall
Rep. James M. Hamper*

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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 916

Resolve, Establishing the Commission on Maximum Hospital Charges for Workers' Compensation

DIED BETWEEN HOUSES

<u>Sponsor(s)</u> SMITH W STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-338
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LD 916 proposed to direct the Workers' Compensation Board to adopt rules that establish schedules of maximum charges for hospital charges.

Committee Amendment "A" (H-338) proposed to replace the bill with a resolve establishing the Commission on Maximum Hospital Charges for Workers' Compensation. The commission's duties would be to study information provided by the Maine Health Data Organization concerning actual payments made by private 3rd-party payors for hospital services and, based on that information, to determine whether a schedule of maximum charges for hospital services provided to workers' compensation claimants should be established and, if so, to recommend those maximum charges.

LD 943

An Act To Amend the Laws Governing the Department of Labor's Construction Industry Wage and Hour Survey

PUBLIC 232

<u>Sponsor(s)</u> COWGER SMITH W	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-177
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LD 943 proposed to require the Department of Labor, Bureau of Labor Standards, as part of its annual determination of the prevailing hourly wage and benefits in the construction industry in Maine, to determine the prevailing hourly wage and benefits based upon each construction industry employer's annual peak employment period, which is defined as the 2-week period each year during which the employer employs the most employees. Under current law the survey is based upon an investigation of wages and benefits paid by employers during the 2nd and 3rd weeks of September.

Committee Amendment "A" (S-177) proposed to replace the bill. The amendment proposed to enable petitions to be filed with the Director of the Bureau of Labor Standards to institute a supplemental wage and benefit survey to determine a prevailing wage for a trade or occupation that has more than 10 workers, if that trade or occupation was not part of a previous wage and hour survey.

Enacted law summary

Public Law 2005, chapter 232 supplements current law requiring the Department of Labor, Bureau of Labor Standards to determine the prevailing hourly wage and benefits in the construction industry in Maine. The survey is based upon an investigation of wages and benefits paid by employers in the construction industry during the 2nd and 3rd weeks of September, annually. Chapter 232 enables petitions to be filed with the Director of the Bureau of Labor Standards within the Department of Labor to institute a supplemental wage and benefit survey to determine a prevailing wage for a trade or occupation that has more than 10 workers, if that trade or occupation was not part of a previous wage and hour survey.