

# 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:**

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

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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*

committees to ensure that local emergency response plans are understood and followed in the event of an emergency at the facility. Finally the bill proposed to prohibit the facility from beginning or resuming operation until it had been inspected by the Bureau of Labor Standards and found to be safe for operation.

**Committee Amendment "A" (H-443)** proposed to remove the prohibition on initiation or resumption of operation of a covered facility until inspection by the Department of Labor, Bureau of Labor Standards is complete. In place of that prohibition, the amendment proposed to require that a covered facility cease operations if it has been found deficient through the bureau's inspection and to allow the facility to resume operations only after the deficiencies have been corrected. This amendment also proposed to add an appropriations and allocations section.

**LD 1247**                      **An Act To Modify Labor Laws with Regard to Minor Workers**                      **ONTP**

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

LD 1247 proposed to raise the maximum number of hours a 16-year-old or 17-year-old may work during a school week from 20 hours to 35 hours and to raise the number of hours a 16-year-old or 17-year-old may work during a school day from 4 hours to 5 hours. The bill proposed to limit a minor whose overall grade average is below a C or who has an average grade in any class below a C- to working no more than 20 hours during a school week and only during the hours of 3:00 p.m. to 8:00 p.m. on a school day. A secondary school would be required to notify every student whose work schedule is limited under this provision. The bill proposed to allow a minor to return to normal working conditions if the school administrator determines the minor's overall grade average has risen to at least a C and that no average grade for any class is below C-. Current law requires employers of minors under 18 years of age to keep a time book or record on every minor working for the employer. This bill proposed to require the employer to send a copy of this time book to the minor's secondary school on a monthly basis, and to eliminate the provision that does not count the time a minor works in an approved vocational cooperative education program towards the maximum number of hours the minor may work during a school day or week.

**Committee Amendment "A" (H-409)**, which was the minority report of the committee and was not adopted, proposed to replace the bill. The amendment proposed to raise the limit on work hours for a 17-year-old while school is in session from 20 hours per week to 30 hours per week, if the 17-year-old provides proof to the employer of achievement of an overall B average for the prior semester. The amendment also proposed to raise the limit on work hours for 17-year-olds while school is in session from 4 hours per day to 6 hours per day. Finally, the amendment proposed to add an appropriations and allocations section to the bill.

**LD 1269**                      **An Act To Change the Retirement Eligibility Requirements for Investigators in the Office of the Attorney General and the Department of the Secretary of State**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT FARRINGTON	ONTP	

## *Joint Standing Committee on Labor*

LD 1269 proposed to allow investigators in the Office of the Attorney General or Department of the Secretary of State to elect to participate in the 1998 Special Plan of the Maine State Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service, or may retire before 55 years of age with 25 years of creditable service and a reduced benefit.

See also LD 748, which was carried over.

**LD 1276**                      **An Act To Prohibit the Use of Foreign Labor Unless a Federal Prevailing Wage Is Set**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON MARTIN		

LD 1276 proposed to prohibit the Department of Labor from certifying to the United States Department of Labor that no U.S. citizens are qualified for or willing to fill a job opening in a forestry occupation, for the purpose of allowing an employer to hire a foreign worker to fill that job opening under what is commonly known as an "H-2B visa," if the job would require the worker to use the worker's own equipment and if the U.S. Department of Labor's Division of Foreign Labor Certification has not established a prevailing wage for workers performing that job using the workers' own equipment.

**Committee Amendment "B" (H-445)** proposed to add a provision to prohibit an employer from making a false representation to a government entity in an application to hire a foreign worker through a procedure commonly known as an "H-2B visa," or in any supporting documentation or statements. The amendment proposed to set fines for violations as follows: \$1,000 but not more than \$5,000 for a first violation; \$5,000 but not more than \$20,000 for a 2nd offense within 3 years; and \$10,000 but not more than \$50,000 for a 3rd or subsequent violation within 3 years of 2 or more prior violations. The amendment also proposed to grant enforcement authority to the Department of Labor, Bureau of Labor Standards and authority to adopt routine technical rules to carry out its purposes.

This bill was carried over by H.P. 1203 to the next special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1329**                      **Resolve, Directing the Workers' Compensation Board To Consider Adoption of the "Guides to the Evaluation of Permanent Impairment," 5th Edition, in Assessing Workers' Compensation Injuries**                      **RESOLVE 53  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J SMITH W	OTP-AM	S-189

LD 1329 proposed to require the Workers' Compensation Board to use the 5th edition of the American Medical Association's "Guides to the Evaluation of Permanent Impairment" to assess impairment relating to injuries involving the spinal column.