

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

7  
H. A. S.

L.D. 810

DATE: 3/10/2000

(Filing No. S-535)

## LABOR

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

### STATE OF MAINE SENATE 119TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 292, L.D. 810, Bill, "An Act to Encourage Responsible Employment Practices"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 26 MRSA §42, first ¶, as amended by PL 1997, c. 377, §1, is further amended to read:

The bureau shall collect, assort and arrange statistical details relating to all departments of labor and industrial pursuits in the State; to trade unions and other labor organizations and their effect upon labor and capital; to the number and character of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public; to other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions prevailing within the State, including the names of firms, companies or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees classified according to age and sex and the daily and average wages paid each employee; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the industries of the State. The director is authorized and empowered, subject to the approval of the Governor, to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this section, and meet such requirements with respect to the administration of such funds, not inconsistent with this section,

# COMMITTEE AMENDMENT

R. & S.

as are required as conditions precedent to receiving such funds.  
2 An accounting of such funds and a report of the use to which they  
were put must be included in the biennial report to the Governor.  
4 Each agency of government shall cooperate fully with the bureau's  
efforts to compile labor and industrial statistics. The director  
6 shall cause to be enforced all laws regulating the employment of  
minors; all laws established for the protection of health, lives  
8 and limbs of operators in workshops and factories, on railroads  
and in other places; all laws regulating the payment of wages;  
10 and all laws enacted for the protection of the working classes.  
During an investigation to enforce those laws, the director may  
12 request records and other information relating to an employer's  
compliance with unemployment compensation and workers'  
14 compensation laws, including information needed to determine  
whether the employer has properly classified a worker as an  
16 independent contractor, and shall report suspected violations of  
those laws to the state or federal agency responsible for  
18 enforcing them. The director may adopt, in accordance with the  
Maine Administrative Procedure Act, rules regarding all such  
20 laws, except where this authority is granted to a board or  
commission. Rules adopted pursuant to this section are routine  
22 technical rules as defined in Title 5, chapter 375, subchapter  
II-A. The director shall, on or before the first day of July,  
24 biennially, report to the Governor, and may make such suggestions  
and recommendations as the director may deem necessary for the  
26 information of the Legislature. The director may from time to  
time cause to be printed and distributed bulletins upon any  
28 subject that ~~shall be~~ is of public interest and benefit to the  
State and may conduct a program of research, education and  
30 promotion to reduce industrial accidents. The director may  
review various data, such as workers' compensation records, as  
32 well as other information relating to any public or private  
employer's safety experience. When any individual public or  
34 private employer's safety experience causes the director to  
question seriously the safe working environment of that employer,  
36 the director may offer any safety education and consultation  
programs to that employer that may be beneficial in providing a  
38 safer work environment. If the employer refuses this assistance  
or is in serious noncompliance which may lead to injuries, or if  
40 serious threats to worker safety continue, then the director  
shall communicate concerns to appropriate agencies, such as the  
42 United States Occupational Safety and Health Administration. As  
used in this section, the term "noncompliance" means a lack of  
44 compliance with any applicable health and safety regulations of  
the United States Occupational Safety and Health Administration  
46 or other federal agencies. The bureau is responsible for the  
enforcement of indoor air quality and ventilation standards with  
48 respect to state-owned buildings and buildings leased by the  
State. The bureau shall enforce air quality standards in a

A.S.

COMMITTEE AMENDMENT "A" to S.P. 292, L.D. 810

manner to ensure that corrections to problems found in buildings be made over a reasonable period of time, using consent agreements and other approaches as necessary and reasonable.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

The Department of Labor will incur some minor additional costs to review information relating to an employer's compliance with workers' compensation and unemployment compensation laws during an investigation and report suspected violations. These costs can be absorbed within the department's existing budgeted resources.

This bill may increase prosecutions for Class D and E crimes. If a jail sentence is imposed, the additional costs to the counties are estimated to be \$83.36 per day per prisoner. The number of prosecutions that may result in a jail sentence and the resulting costs to the county jail system are expected to be insignificant.

In addition to the criminal cases, this bill may also increase prosecutions for certain civil violations. The additional workload, administrative costs and indigent defense costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department. The collection of additional fines may also increase General Fund revenue by minor amounts.'

**SUMMARY**

This amendment replaces the bill. It authorizes the Director of the Bureau of Labor Standards within the Department of Labor to review information relating to an employer's compliance with workers' compensation and unemployment compensation laws during investigations to enforce laws under the jurisdiction of that bureau. It also requires the director to report suspected violations of workers' compensation and unemployment compensation laws to the agencies responsible for enforcing them. Finally, the amendment adds a fiscal note to the bill.