

# MAINE STATE LEGISLATURE

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DATE: 5-20-99

(Filing No. H-643)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 688, L.D. 944, Bill, "An Act to Protect Victims of Crimes in the Workplace"

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-A, as amended by PL 1991, c. 615, Pt. A, §§18 and 19, is further amended to read:

§42-A. Safety education and training programs

1. Department to establish programs. The department shall establish and supervise programs for the education and training of employers, owners, employees, educators and students in the recognition, avoidance and prevention of unsafe or unhealthful working conditions in employment. The department shall consult with and advise employers, owners, employees and organizations representing employers, owners and employees as to effective means of preventing workplace violence including domestic violence and occupational injuries and illnesses.

2. Safety education and training program functions. The functions of the safety education and training program shall must include:

A. The development and application of a statewide safety education and training program to familiarize employers, supervisors, employees and union leaders with techniques of accident investigation and prevention, including education and training assistance to employers and employees under the chemical substance identification law in sections 1715 and 1720;

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "B" to H.P. 688, L.D. 944

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B. The development and utilization of consultative educational techniques to achieve long-range solutions to workplace violence and occupational safety and health problems;

C. The acquisition, development and distribution of workplace violence and occupational safety and health pamphlets, booklets, brochures and other appropriate safety and health media as may be useful to accomplish the objectives of this section;

D. The development and administration of a program for employers, with special emphasis on small business employers, providing technical and educational assistance on matters of workplace violence and occupational safety and health;

E. The development and implementation of a training and education program for department staff engaged in the administration and enforcement of this section;

E-1. The development and administration of programs to educate employers and employees regarding the Whistleblowers' Protection Act, chapter 7, subchapter V-B;

E-2. The support for the development of long-term strategies to improve workplace violence and occupational health and safety professional education and resources. The department may award contracts to public and private nonprofit organizations as seed money to develop programs that will serve this purpose and that will develop other funding sources in the future; and

E-3. The development of programs to educate employers and employees regarding domestic violence in the workplace and special needs of victims of domestic violence for legal, economic and personal security; and

F. The conduct of other activities as necessary for the implementation of an effective safety education and training program.

**3. Programs provided upon request.** The department shall provide safety training programs, upon request, for employees and employers. Priority for the development of safety training programs shall must be in those occupations which that pose the greatest hazard to the safety and health of employees.

**COMMITTEE AMENDMENT**

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2 4. Continuing research. The department may conduct  
3 continuing research into methods, means, operations, techniques,  
4 processes and practices necessary for improvement of occupational  
5 safety and health of employees and the prevention of workplace  
6 violence.

7 5. Consulting services. The department shall, upon  
8 request, provide a full range of workplace violence and  
9 occupational safety and health consulting services to any  
10 employer or employee group. These consulting services may include  
11 providing employers or employees with information, advice and  
12 recommendations on maintaining safe employment or places of  
13 employment, on protecting employees from workplace violence and  
14 domestic violence in the workplace, and on applicable  
15 occupational safety and health standards, techniques, devices,  
16 methods, practices or programs.

17 6. Contract. The department may contract with others to  
18 perform these functions.

19 Sec. 2. 26 MRSA §850 is enacted to read:

20 §850. Protection of victims of crime

21 1. Prohibition. An employer may not deprive an employee of  
22 employment or health insurance coverage or coerce the employee  
23 with respect to loss of employment or health insurance coverage  
24 because the employee receives a summons to be a witness, responds  
25 to a summons to be a witness, serves as a witness or attends  
26 court as a prospective witness in any court proceeding arising  
27 out of a crime of domestic violence or a petition for protection  
28 from abuse under Title 19-A, chapter 101 when the employee is the  
29 alleged victim of the crime or abuse. For purposes of this  
30 subsection, "crime of domestic violence" means assault, sexual  
31 assaults under Title 17-A, chapter 11 or stalking committed by a  
32 member of the employee's family or household, as defined in Title  
33 19-A, section 4002, subsection 4.

34 2. Civil action. An employee whose health insurance  
35 coverage has been terminated or who has been discharged from  
36 employment in violation of this section may bring a civil action  
37 within 90 days after the termination or discharge for an order  
38 requiring reinstatement of employment or health insurance  
39 coverage. Damages for lost wages may not exceed lost wages for 6  
40 weeks.

41 Sec. 3. Study; commission established. The Commission to Study  
42 the Impact of Domestic Violence on the Workplace is established  
43 and referred to in this section as the "commission."  
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COMMITTEE AMENDMENT "B" to H.P. 688, L.D. 944

1. The commission consists of 8 members appointed as follows:

A. Two members of the Senate, appointed by the President of the Senate. One member must be a member of the Joint Standing Committee on Labor and one member must be a member of the Joint Standing Committee on Judiciary. The 2 major political parties must be equally represented in these appointments. The first named Senate member is the Senate chair of the commission; and

B. Six members of the House of Representatives, appointed by the Speaker of the House of Representatives. Four of those members must be members of the Joint Standing Committee on Labor and 2 must be members of the Joint Standing Committee on Judiciary. The 2 major political parties must be equally represented in these appointments. The first named House member is the House chair of the commission.

2. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after the appointment of all members, the chairs of the commission shall call and convene the first meeting of the commission.

3. The commission shall study the nature and extent of the problem of domestic violence as it relates to the workplace and shall make recommendations regarding any changes in law needed to provide greater legal, physical or economic protection to victims of domestic violence. In examining these issues, the commission shall solicit input from parties interested in labor and domestic abuse issues. The commission may hold up to 3 meetings to perform its duties.

4. The commission shall request staffing and clerical assistance from the Legislative Council.

5. The commission members are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at meetings of the commission.

6. The commission shall submit its report with any accompanying legislation to the Second Regular Session of the 119th Legislature by December 31, 1999. If the commission

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COMMITTEE AMENDMENT "B" to H.P. 688, L.D. 944

requires an extension of time to complete its report, it may apply to the Legislative Council, which may grant that extension.

7. The chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget.

Upon request from the commission, the Executive Director of the Legislative Council or the Executive Director's designee shall promptly provide the commission chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1999-00

LEGISLATURE

Commission to Study the Impact of Domestic Violence on the Workplace

Personal Services	\$1,320
All Other	1,700

Provides funds for the per diem and expenses of the legislative members of the Commission to Study the Impact of Domestic Violence on the Workplace and to print the required report.

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TOTAL \$3,020

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1999-00                      2000-01

LABOR, DEPARTMENT OF

Safety Education Training Fund

All Other	\$15,000	\$5,000
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COMMITTEE AMENDMENT

Provides funds to contract for the development of a training curriculum related to workplace and domestic violence issues and to provide training to employers.'

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

FISCAL NOTE

	1999-00	2000-01
<b>APPROPRIATIONS/ALLOCATIONS</b>		
General Fund	\$3,020	
Other Funds	15,000	5,000

This bill includes an additional General Fund appropriation to the Legislature in the amount of \$3,020 in fiscal year 1999-00 for the per diem and expenses of legislative members of the Commission to Study the Impact of Domestic Violence on the Workplace and to print the required report.

The additional costs associated with providing staffing assistance to the commission during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources.

This bill includes Other Special Revenue funds allocations of \$15,000 and \$5,000 in fiscal years 1999-00 and 2000-01, respectively, for the Department of Labor to design and provide training on workplace and domestic violence issues. Sufficient resources are available to support the increased allocations.

This bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.

The Department of Labor will incur some minor additional costs to respond to questions concerning employers' responsibilities when employees are victims of crimes of domestic violence. These costs can be absorbed within the department's existing budgeted resources.'

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**SUMMARY**

This amendment is a minority report and replaces the bill. It requires the Department of Labor to include information about violence in the workplace, including domestic violence, in its safety education and training program. It also prohibits an employer from discharging an employee or terminating an employee's health insurance coverage because the employee needs to attend court as a witness in a criminal case involving domestic violence or to obtain a protection from abuse order.

The amendment also creates a legislative study commission to examine the nature and extent of the problem of domestic violence as it relates to the workplace and to make recommendations on that issue. The commission is authorized to report back to the Legislature by December 31, 1999 and to submit legislation.

The amendment also adds an appropriation section and a fiscal note to the bill.