

MAINE STATE LEGISLATURE

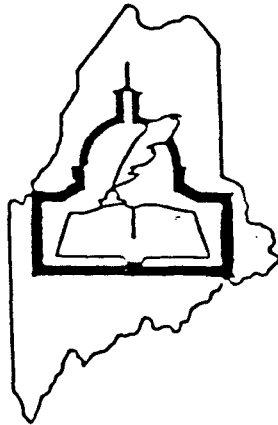
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
HUMAN RESOURCES
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

CMP customers will pay approximately 38% of the fee increase. (CMP owns 38% of Maine Yankee.) A typical residential consumer using 500 KW hours/month will pay 2.1 cents a year for the fee, an increase of .4 of a cent from the previous rate.

House Amendment "A" (H-20) added an allocation section to the bill.

LD:

276

AN ACT TO ESTABLISH POLICIES GOVERNING
SMOKING IN PLACES OF WORK

NELSON
DEXTER
PINES
VIOLETTE
PUBLIC
CH # 126

OTP-AM

HOUSE Enacted
SENATE Enacted
GOV SIGNED

H-53	CA	MAJ REP	H	S
H-54	CB	MIN REP		
H-64	CA	HIGGINS		
S-43	CA	BUSTIN		
S-44	CA	BUSTIN		

SUMMARY:

This law requires each employer to establish and post a smoking policy. It excludes any portion of a workplace which also serves as the employer's or employee's home. The law prohibits an employer from taking action against an employee for assisting in implementing the law. It allows an exemption from the law for workplaces where all the employees and the employer have mutually agreed on a smoking policy. The law neither requires nor prohibits a collective bargaining agreement from containing a smoking policy; however, any policy which is contained in a collective bargaining agreement must comply with this law. Copies of the smoking policy must be available to employees upon request. The Bureau of Health will be available to assist employers in developing a policy and to answer questions about the law. Although an employer is not responsible for enforcing this law, he is subject to a fine of up to \$100 for failure to establish, post or supervise the implementation of this law. This act takes effect January 1, 1986.

The committee submitted two reports to the Legislature. The majority report (H-53), which was enacted, added or clarified several of the provisions in the bill, including the home workplace exclusion, the collective bargaining provisions, the employer's responsibility, the provisions concerning mutual agreement, and the provisions concerning action against an employee. It also clarified the intent that this bill, by itself, shall not increase the liability of the employer for second hand smoke to an employee.

None of the other amendments were enacted. The minority report (H-54) included many of the changes of the majority report but also excluded business facilities with less than 10 employees, deleted the enforcement provisions and penalty provisions, required smoking areas as well as non-smoking areas, and deleted the language which provided guidelines for the purpose of the policy.

House amendment "A" to Committee Amendment "A" (H-64) attempted to recreate any references to the Bureau of Health from the bill. Senate Amendment "B" to Committee Amendment "A" (S-44) attempted to recreate a version of the bill similar to the minority report: it deleted the enforcement and penalty provisions, required smoking areas as well as non-smoking areas, and deleted the policy guidelines. Although it did not attempt to exclude businesses with fewer than 10 employees, it did attempt to delete the statement in the law preserving an individual's rights that currently existed under the law. Senate Amendment "A" to Committee Amendment "B" (S-43) was an identical version of Senate Amendment "A" except that it incorrectly amended the L.D. and not the amendment. Senate Amendment "B" was merely a corrected version of Senate Amendment "A".

LD: 277 AN ACT TO AMEND THE CERTIFICATE OF NEED ACT ROLDE

LU-WD HOUSE Accepted Committee Report
 SENATE Accepted Committee Report
 GOV

SUMMARY:

This bill sought to repeal the Certificate of Need Act as it related to hospitals. It was withdrawn, but served as the impetus for a committee study of the Certificate of Need process.

LD: 323 AN ACT TO AMEND THE MAINE CERTIFICATE OF NEED PERKINS
 ACT TO DEFINE MORE CLEARLY THE LEGAL BUSTIN
 REQUIREMENTS FOR EX PARTE CONTACTS DURING THE CARROLL
 CERTIFICATE OF NEED PROCESS, CONSISTENT WITH PINES

OTP-AM HOUSE Enacted PUBLIC
 SENATE Enacted CH # 342
 GOV SIGNED

S-157 CA H S

SUMMARY:

This law amends the statutes which define the types of contacts permitted between the department and any affected party in a certificate of need review process. As originally proposed the bill would have allowed any contacts as long as notice was given and all parties affected had an opportunity