

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
LABOR
BILL SUMMARY



JUNE 1987

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JOINT STANDING COMMITTEE
BILL SUMMARIES
JUNE 1987

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD AN ACT TO AMEND THE DUTIES OF THE COMMISSIONER
1634 OF LABOR

PL 1987
c. 471

Sponsor: WILLEY, Dutremble, Begley
Committee Report: OTP
Amendments Adopted:
H-398 CROWLEY

SUMMARY: LD 1634 proposed to delete an obsolete reference to the Maine Job Training Council as a subdivision of the Department of Labor. Pursuant to order of the Governor, the Maine Job Training Council is being replaced with the Maine Human Resources Development Council.

House Amendment "A" (H-398) added several additional provisions to the bill to reflect the creation of the Maine Human Resources Development Council. It enacts provisions describing the make-up and duties of the Council.

LD AN ACT TO AMEND THE MUNICIPAL PUBLIC EMPLOYEES
1667 LABOR RELATIONS LAW

H-ONTP
S-ENG W/SA

Sponsor: BUSTIN, Clark H,
Committee Report: New Draft Of LD 337
Amendments Adopted:
S-95

SUMMARY: The original bill, LD 337, proposed to simply amend the current collective bargaining law for municipal employees to permit arbitration to be binding on all controverted matters, including economic issues.

The new draft, LD 1667, redrafted the original bill to present a more comprehensive revision of the municipal employees bargaining law. The new draft revised the arbitration procedure to reflect the separate handling of economic issues and to require the use of "issue-by-issue last best offer arbitration." Under this approach, both management and labor must submit their final offers on each disputed issue to the opposing party. If no agreement is reached, the arbitrator must select the final offer of one or the other party as his settlement of each disputed issue; he cannot attempt to reach his own decision on the issue. The parties then have 10 days to reach an agreement or the arbitrator's decision is binding. The new draft also provided a list of factors that the arbitrators would have to consider in selecting which last best offer to adopt and required all contractual issues to be resolved by May 1st.

Senate Amendment "A" (S-95) clarifies that the May 1st arbitration deadline in the bill is intended only to apply to teachers' bargaining units.

LD	AN ACT CONCERNING MENTAL STRESS CLAIMS UNDER	PL 1987
1668	THE WORKERS' COMPENSATION ACT	c. 252

Sponsor: BEGLEY, Collins, Zirkilton
Committee Report: New Draft of LD 541

SUMMARY: The original bill, LD 541, proposed to restore the "by accident" requirement to Maine's Workers' Compensation Act. This provision would have required an injured worker, in addition to showing that his injury arose out of and in the course of employment, to prove that his injury also occurred "by accident."

The new draft, LD 1668, completely rewrites the original bill and limits its effect to work-related mental stress claims. The new draft requires that a mental injury resulting from mental stress is not compensable under the Workers' Compensation Act unless it is shown by clear and convincing evidence that:

1. The work stress was extraordinary and unusual as compared to the usual pressures experienced by an average employee; and
2. The work stress was the predominant cause of the mental injury.

The new draft further provides that the amount or intensity of the work stress was to be measured by objective standards and not any subjective misperception even if honestly held by the employee. It also clarifies that normal employment decisions, such as disciplinary action, demotions or layoffs, may not be the cause of compensable stress claims if the action is taken in good faith by the employer.

LD	AN ACT TO PROVIDE CIVIL ENFORCEMENT OF THE	VETO
1690	ANTISTRIKEBREAKER LAW TO ENCOURAGE THE SETTLE- MENT AND PEACEFUL RESOLUTION OF LABOR DISPUTES	SUSTAINED

Sponsor: BAKER,
Committee Report: New Draft of LD 842
Amendments Adopted:
H-211 BAKER

SUMMARY: The original bill, LD 842, proposed to expand the scope of the existing law that prohibits persons from acting as professional strikebreakers and to make civil