

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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ONE HUNDRED AND THIRTEENTH LEGISLATURE
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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

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

Sponsor: BEGLEY, Collins, Zirnkilton
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 1690 AN ACT TO PROVIDE CIVIL ENFORCEMENT OF THE ANTISTRIKEBREAKER LAW TO ENCOURAGE THE SETTLEMENT AND PEACEFUL RESOLUTION OF LABOR DISPUTES VETO 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