

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

penalties, including injunctions, available as well as existing criminal penalties.

The new draft, LD 1690, further defined the term "professional strikebreakers" so that it would include only those persons or entities that have customarily and repeatedly offered themselves or others for employment to perform work that would otherwise be done by the striking workers. The fact that a person or entity has done this at least twice before creates a presumption that he is a professional strikebreaker. The new draft also contained an exception that allowed employers to replace security personnel or routine maintenance workers during a labor dispute without violating the anti-strikebreaker law.

House Amendment "A" (H-211) redrafted the exception provisions to clarify that the following are exempt from the anti-strikebreaker law:

1. Security guards;
2. Maintenance work performed by persons employed by the seller or manufacturer of the equipment or by persons who previously performed the maintenance before the labor dispute began; and
3. Any permanent employees of the employer.

LD 1695	AN ACT RELATING TO PENALTIES FOR FAILURE TO MAKE PROMPT PAYMENT OF WORKERS' COMPENSATION BENEFITS	PL 1987 c. 290
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Sponsor: MCHENRY, Paradis P, Andrews
Committee Report: New Draft of LD 1195

SUMMARY: The original bill, LD 1195, proposed to allow a workers' compensation recipient to recover consequential damages suffered after an informal conference has been held and payment withheld while the case was being controverted by the employer or insurer.

The new draft, LD 1695, completely rewrote the bill in order to simplify and strengthen the present penalty system for the late payment of workers' compensation benefits. Under the new draft, if payment has not been made within 10 days after a commissioner's decision awarding benefits, the employer or insurer is liable for a penalty of up to \$100 per day of non-compliance. One-half of this penalty will be paid to the State and one-half to the affected employee. Jurisdiction over late payment penalties is transferred from the Superior Court to the Workers' Compensation Commission in order to simplify and speed up the penalty process. Enforcement of late payment penalties, as with all other workers' compensation orders,

