

# 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

PREPARED BY:

Gilbert Brewer, Legislative Analyst

OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333  
(207) 289-1670

HELEN T. GINDER, DIRECTOR  
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WILLIAM T. GLIDDEN, JR.



STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

ROOM 101/107  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

JULIE S. JONES  
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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

remains in the Superior Court. If a penalty is assessed against an employer or insurer for late payment, they must also pay the attorney's fees incurred by the employee in bringing the action to recover the penalty. Finally, an employer or insurer is not liable for a penalty if the late payment is due to circumstances beyond their control.

**LD** AN ACT RELATING TO DETERMINATION OF BENEFIT PL 1987  
**1730** CLAIMS UNDER THE UNEMPLOYMENT COMPENSATION LAW c. 365

Sponsor: ZIRNKILTON, Tammaro, Hepburn  
Committee Report: New Draft of LD 1454

SUMMARY: The original bill, LD 1454, proposed to correct a deficiency in Maine's unemployment compensation law which rendered it out of conformity with federal law. Maine law permits a claimant to sign a waiver for benefits for specific weeks while federal law requires that unemployment benefits be paid "when due." The bill removed the non-conforming language from Maine Law and also eliminated the requirement that notice be given to a claimant and a fact-finding hearing held before benefits may be withheld from a claimant when the claimant himself provides the information necessary to determine eligibility for unemployment compensation.

The New Draft, LD 1730, retained the first part of the original bill which repealed the existing waiver provision but rewrote those provisions dealing with the requirement of a pre-termination fact-finding hearing in order to more narrowly tailor the hearing exemption to those cases in which the claimant clearly is not eligible for benefits. The new draft also increased from 7 to 14 days the time within which an individual, in order to remain eligible for unemployment compensation, has to begin a work search after moving to a new residence to accompany a spouse moving to a new job.

**LD** AN ACT TO CLARIFY THE DEFINITION OF INDEPENDENT LVWD  
**1732** CONTRACTOR FOR THE PURPOSES OF WORKERS' COMPEN-  
SATION

Sponsor: STEVENS, Rydell, Clark H  
Committee Report: LVWD

SUMMARY: LD 1732 proposed to add a definition of "independent contractor" for the purposes of the Workers' Compensation Act. The definition was based on the common-law definition drawn from case-law. The bill also reenacted the "non-business exemption" previously repealed by the Legislature. The "non-business exemption" provides that work done for an employer which is not in that employer's usual course of business is not covered by the Act.