

MAINE STATE LEGISLATURE

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**STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION**



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1989

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Sen. R. Peter Whitmore

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* Denotes Chair

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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

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 for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are abbreviated as follows:

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

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD 120 An Act to Make Changes to the Human Resource Development
Council in Order to Conform with the United States Economic
Dislocation and Worker Adjustment Assistance Act of 1988

PUBLIC 200

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
COLLINS	OTP-AM MAJ	H-187 MCHENRY
REED	OTP-AM MIN	S-84 MAJ REP
RUHLIN		

SUMMARY

LD 120 proposed to adjust the membership on the Human Resource Development Council to maintain consistency with recent amendments to the federal Job Training Partnership Act and corrected other cross-references referring to duties changed by the amendments to the federal law.

Committee Amendment "A" (S-84) clarified a reference to local government officials; specified the appointment of 5 representatives of organized labor and 4 representatives of community-based organizations to the Human Resource Development Council and made the bill retroactive to January 23, 1989 -- the date of the Governor's executive order reconstituting the Council.

House Amendment "A" (H-187) struck the emergency from the LD.

LD 184 An Act Clarifying Intoxication Under the Workers'
Compensation Law

VETOED

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
WHITMORE	OTP-AM	H-664 MCHENRY
ESTES		S-182
MCHENRY		
REED		

SUMMARY

LD 184 proposed to create a presumption that an employee was intoxicated and that a subsequent work-related injury was due to that intoxication if the employee had a blood-alcohol level of .08% or above. This presumption could be overcome by clear and convincing evidence to the contrary. If the injury was found to be due to the employee's intoxication, the employer would not be liable for workers' compensation benefits for the injured employee.

Committee Amendment "A" (S-182) excluded causation of the injury from the presumption, limiting the presumption to the fact of intoxication only. The amendment also raised the presumptive intoxication level to .15%; clarified that a blood-alcohol level below .15% creates a presumption of non-intoxication; clarified that a party is not required to produce blood-alcohol test results to prove or disprove intoxication; and prohibited an employer from requiring an employee to submit to a blood test, although use of a breathalyzer is allowed.

House Amendment "B" to Committee Amendment "A" (H-664) deleted the prohibition on blood-testing due to the enactment of LD 833.