

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. Zachary E. Matthews
Sen. R. Peter Whitmore

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Rep. Tony J. Tamaro
Rep. Richard P. Ruhlin
Rep. Anne M. Rand
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Rep. Elden McKeen
Rep. Edward L. Pineau
Rep. Gary W. Reed
Rep. Jeffrey H. ButlanD
Rep. John S. McCormick, Jr.

* 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 404 An Act to Reduce the Potential for Violence During Labor Disputes

VETOED

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>		<u>AMENDMENTS ADOPTED</u>	
MCHENRY	OTP-AM	MAJ	H-417	MAJ REP
PRAY	ONTP	MIN	S-262	ESTY
MARTIN J				
ESTES				

SUMMARY

LD 404 proposed to prohibit a professional strikebreaker from providing or offering replacement employees to an employer involved in a labor dispute. "Professional strikebreaker" was defined to include any company that had on at least 3 occasions in the previous 5 years provided at least 100 replacement employees to employers involved in labor disputes. Security guards, special maintenance workers and previous employees of the employer were exempt from the prohibition. The LD was subject to a referendum.

Committee Amendment "A" (H-417) added a fiscal note to the LD.

Senate Amendment "A" (S-262) tightened the application of the LD by redefining "professional strikebreaker" to include any company that had on at least 2 occasions in the previous 10 years provided at least 10 replacement employees to employers involved in labor disputes.

LD 405 An Act Regarding the Employment of 15-year-olds in Public Accommodations for Lodging

PUBLIC 520

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>		<u>AMENDMENTS ADOPTED</u>	
KILKELLY	JT RULE 22		H-654	KILKELLY
BURKE			H-687	KILKELLY
BEGLEY				
BREWER				

SUMMARY

LD 405 proposed to allow 15 year olds to work in kitchens or common areas of inns or bed & breakfast establishments with fewer than 20 rooms.

House Amendment "A" (H-654) replaced the LD, stripped the emergency from the bill and provided that 15 year olds could work in any lodging house but only in certain common areas of the establishment from June 15th to Labor Day.

House Amendment "C" (H-687) added an appropriation section.

LD 434 An Act to Amend the Municipal Public Employees Labor Relations Law

ONTP-MAJ REP

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>		<u>AMENDMENTS ADOPTED</u>	
WEBSTER M	ONTP	MAJ		
REED	OTP-AM	MIN		

SUMMARY

LD 434 proposed to repeal a provision of the Municipal Public Employees Labor Relations Act that

explicitly permits the inclusion of principals and other supervisory employees in school system bargaining units with teachers and nurses in supervisory positions.

**LD 449 An Act Concerning an Employee's Right to Review the
Employee's Personnel File**

PUBLIC 178

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
CLARK H PINEAU MCHENRY PRAY	OTP-AM	H-156

SUMMARY

LD 449 proposed to repeal the exception for privileged medical records from the law permitting an employee to examine his employer's personnel file on that employee.

Committee Amendment "A" (H-156) retains the exception but limits the exception to those records which have been found by a court or administrative tribunal to be protected from discovery in the course of civil litigation.

LD 467 An Act Concerning Workers' Compensation Discontinuance Forms

LV/WD

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
RUHLIN REED MCHENRY WHITMORE	LV/WD	

SUMMARY

LD 467 proposed to alter the current method of discontinuing workers' compensation benefits by allowing an employer/insurer to stop or reduce benefits if, after notification, the employee failed to object to the termination or reduction.

**LD 537 An Act to Prevent Arbitrary Dismissal of Employees Based on
Results of Substance Abuse Testing**

INDEF PP

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MATTHEWS MCHENRY	OTP	

SUMMARY

LD 537 proposed to regulate an employer's use of substance abuse testing of his employees. The LD did not restrict when an employer could choose to require such a test, but only regulated the test procedure and an employer's use of test results in employment decisions.

The LD was indefinitely postponed upon passage of LD 833.