

# MAINE STATE LEGISLATURE

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



**BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
LABOR**

**JULY 1989**

**MEMBERS**

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Sen. Zachary E. Matthews  
Sen. R. Peter Whitmore

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

\* Denotes Chair

Staff: Gilbert Brewer, Legislative Analyst

Office of Policy & Legal Analysis  
Room 101, State House Sta. 13  
Augusta, ME 04333  
(207) 289-1670

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST  
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JEBORAH C. FRIEDMAN  
JOHN B. KNOX



STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 289-1670

ANNIKA E. LANE  
EDWARD POTTER  
MARGARET J. REINSCH  
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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 915** An Act to Define the Burden of Proof in Workers' Compensation Claims

ONTP

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BUSTIN	ONTP	
PINEAU		
CLARK H		
CONLEY		

SUMMARY

LD 915 proposed to reverse the burden of proof in workers' compensation cases by requiring an employer to disprove an employee's claim.

**LD 916** An Act to Reduce Hardship for Injured Workers

INDEF PP

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
GAUVREAU	OTP-AM MAJ	S-343 MAJ REP
BUSTIN	ONTP MIN	
MCKEEN		
TRACY		

SUMMARY

LD 916 proposed to permit commissioners to issue provisional orders for payment of workers' compensation benefits in limited circumstances when the injured employee was seriously disabled, was financially necessitous and appeared likely to prevail in his claim.

Committee Amendment "A" (S-343) clarified the new provisional order procedure.

**LD 924** An Act to Clarify the Method of Obtaining Incapacity Benefits Under the Workers' Compensation Act

PUBLIC 575

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MCHENRY	OTP-AM MAJ	H-581 MAJ REP
PRAY	ONTP MIN	S-327 DUTREMBLE D
PINEAU		
RAND		

SUMMARY

LD 924 proposed to repeal the current "statewide labor market" limitation upon receiving total incapacity benefits under the Workers' Compensation Act.

Committee Amendment "A" (H-581) redrafted the original bill and made it retroactive to November 20, 1987.

Senate Amendment "A" to Committee Amendment "A" (S-327) completely replaces the bill and simply clarifies that the use of the statewide standard is limited to classifying an injured employee as partially or totally incapacitated. An employee who is partially incapacitated will have his degree of incapacity evaluated under a local labor market standard.