

# 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. 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 1593 An Act to Ban the Use of Tape Recorders for Reporting Work  
Delinquency

LV/WD

SPONSOR(S)  
BUSTIN

COMMITTEE REPORT  
LV/WD

AMENDMENTS ADOPTED

SUMMARY

LD 1593 proposed to ban employers' use of tape recorders to receive messages from employees that they would be late or absent from work.

LD 1627 An Act Concerning Protection from Unfair Competition

LV/WD

SPONSOR(S)  
CLARK H  
MCHENRY  
MCKEEN  
MATTHEWS

COMMITTEE REPORT  
LV/WD

AMENDMENTS ADOPTED

SUMMARY

LD 1627 proposed to expand the scope of the state "Davis-Bacon Act" by including several types of public construction projects within its requirements and by determining "prevailing wage rates" solely by reference to local union wages.

**LD 1630** An Act to Strengthen an Injured Employee's Right to  
Rehabilitation and to Improve the Workers' Compensation  
Rehabilitation System (Reported Pursuant to Public Law of  
1987, Chapter 779)

PUBLIC 580

SPONSOR(S)

COMMITTEE REPORT  
OTP-AM

AMENDMENTS ADOPTED  
H-586  
S-380 ESTY

SUMMARY

LD 1630 was introduced as a result of a study conducted by the Rehabilitation Subcommittee and proposed several amendments to the workers' compensation rehabilitation system, including:

1. Authorizing the rehabilitation administrator to order the implementation of rehabilitation plans where an employer/insurer had refused to agree to the plan with the costs of the plan paid from the Employment Rehabilitation Fund;
2. Preventing an employer/insurer from appealing the administrator's decision to implement a plan, but permitting an employee's appeal of a refusal to order implementation;
3. Requiring the employer/insurer to pay twice the plan implementation costs into the Employment Rehabilitation Fund if the employee returned to work;
4. Adopting a system of "macro-management" of the rehabilitation system;
5. Requiring coordination of the rehabilitation system with job training programs offered by the Maine Department of Labor;

6. Allowing an evaluation of suitability or plan development to proceed without an order from the administrator when the parties agreed to that action;
7. Adopting specific criteria to determine if an injured employee is suitable for rehabilitation;
8. Requiring a report to the Legislature regarding the effectiveness of the LD; and
9. Providing that the new rehabilitation provisions would apply to all employees injured on or after January 1, 1986.

Committee Amendment "A" (H-586) made the following changes:

1. Reduced the employer's penalty from double payment to 180% of plan implementation costs;
2. Corrected several drafting errors in the LD;
3. Clarified the use of an employee's prior earnings history in developing a rehabilitation plan;
4. Clarified the informal nature of a request for an order of plan implementation and provided that neither party may appeal the administrator's decision;
5. Restricted an employer's obligation to pay the 180% penalty by redefining when an employee had returned to suitable employment;
6. Provided for an automatic trial work period for every employee who returned to work after completing a rehabilitation plan;
7. Restricted the application of the LD to those employees who had not had a rehabilitation plan developed before the effective date of the LD; and
8. Added an appropriation section.

Senate Amendment "A" to Committee Amendment "A" (S-380) clarified the continued application of voluntary trial work periods voluntarily agreed to by an employer/insurer and an employee and further restricted the LD's application to employees who were injured on or after November 20, 1987.

**LD 1680     An Act to Eliminate the Dual Minimum Wage Scheme**

**LV/WD**

SPONSOR(S)

BURKE  
PINEAU  
ESTY  
RUHLIN

COMMITTEE REPORT

LV/WD

AMENDMENTS ADOPTED

SUMMARY

LD 1680 proposed to repeal the student minimum wage.