

MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR
JUNE 1990

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Gilbert Brewer, Legislative Analyst

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

*Denotes Chair

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

PATRICK NORTON
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**One Hundred and Fourteenth Legislature
Second Regular Session**

**Joint Standing Committee
Bill Summaries**

June 1990

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. 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 or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, 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 1942**An Act to Clarify the Definition of Employer Under the Workers' Compensation Laws**

PUBLIC 675

SPONSOR(S)THERIAULT
ALLEN
CURRAN
WEBSTER C**COMMITTEE REPORT**

OTP-AM

AMENDMENTS ADOPTED

S-526

SUMMARY

LD 1942 clarified the status of employees of a professional corporation for workers' compensation purposes. These employees will be subject to the Workers' Compensation Act unless they affirmatively decide not to be covered and so notify the chair of the Workers' Compensation Commission.

Committee Amendment "A" (S-526) made technical drafting corrections to the bill.

LD 1947**An Act Related to Overcompensation**

PUBLIC 804

SPONSOR(S)PRAY
CLARK H
MICHAUD
ESTY**COMMITTEE REPORT**

OTP-AM

AMENDMENTS ADOPTEDH-890 MICHAUD
S-524**SUMMARY**

LD 1947 proposed to require employers to negotiate with an employee to establish a method of repaying any overcompensation accidentally paid to the employee.

Committee Amendment "A" (S-524) replaced the bill and prevents an employer from unilaterally withholding more than 10% of an employee's net pay in order to recover any overcompensation unknowingly accepted by the employee.

House Amendment "B" (H-890) to Committee Amendment "A" clarifies that the LD does not limit any other civil remedies available to an employer and clarifies that when the amount of overcompensation is less than 15% of the correct pay, the employer has the burden of showing by clear and convincing evidence that the employee knowingly accepted the overcompensation.

LD 1972**An Act to Clarify the Term of Certificates of Authorization under the Workers' Compensation Act**

PUBLIC 668

SPONSOR(S)

PINEAU

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-777

SUMMARY

LD 1972 clarifies that certificates of authorization provided by an employee to allow his employer access to his medical records for workers' compensation purposes are valid for as long as the claim persists.

Committee Amendment "A" (H-777) added a fiscal note to the bill.