

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were 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.

If you have any suggestions or comments on these summaries, please let us know.

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PRAY	OTP-AM MAJ	S-159 MAJ REP
HEESCHEN	ONTP MIN	
PINEAU		
CLARK H		

SUMMARY

This bill clarified that a successor owner of a facility subject to the severance pay law must assume any severance pay obligations of the prior owner and that severance pay is payable to employees at a facility who have worked at least 3 years at the facility for the owner and its predecessors. The bill was retroactive to October 1, 1975, the date on which the severance pay laws took effect.

The bill ratified the interpretations of the severance pay law contained in Robbins v. Stowell Wood Products, Inc., No. CV-83-69 (Superior Court, Oxford County, January 29, 1985) and Bechard v. Wolverine World Wide, Inc., No. CV-87-11 (Superior Court, Androscoggin County, February 9, 1988) that successor owners are not exempt from paying severance pay to employees who worked at least 3 years at the covered establishment, and rejected the interpretation in Director, Bureau of Labor Standards v. Diamond Brands, Inc., No. CV-88-453 (Superior Court, Kennebec County, July 31, 1990) that successor owners are not liable.

During the Committee's deliberations of LD 157, the Maine Supreme Court upheld the Diamond Brands decision.

Committee Amendment "A" (S-159) removed the emergency preamble and clause from the bill and amended the retroactivity section to make the bill retroactive to March 27, 1991, the date of the Law Court's decision. This amendment also clarified that a current owner or operator is not liable for severance pay for the employees' periods of employment for a prior employer at the covered establishment if that prior employer is liable to the employees for severance pay.

An Act to Require the Expedient Resolution of Workers' Compensation Claims

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GRAHAM	ONTP	
TREAT		
PINEAU		
MILLS		

SUMMARY

This bill required workers' compensation commissioners to issue a decision within 14 days of notice of injury.