

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.

LD 300 An Act to Ensure the Equitable Payment of Costs Associated with Unemployment Compensation during a Strike ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MCHENRY PINEAU ESTY RAND	ONTP	

SUMMARY

LD 300 required employers subject to the payment of contributions under the employment security law to reimburse the Unemployment Compensation Fund for the cost of unemployment benefits paid to workers of those employers involved in a strike or lockout.

LD 308 An Act to Clarify the Definition of "Average Weekly Wages, Earnings or Salary" in the Workers' Compensation Act ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARSANO HASTINGS CARLETON	ONTP	

SUMMARY

This bill related to the Ashby case. It excluded from wages, earnings or salary for workers' compensation purposes employer contributions into a union-established fund of a specific dollar amount per unit of employee time worked.

LD 349 An Act to Protect the Public from Unsafe Industrial and Commercial Facilities UNSIGNED

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MCHENRY JOSEPH MILLS PINEAU	OTP-AM MAJ ONTP MIN	H-590 MAJ REP S-428 BRANNIGAN

SUMMARY

LD 349 required the Department of Labor to inspect certain industrial and commercial facilities that use potentially hazardous substances, equipment and machinery when such facilities initiate operation or experience more than a 50% turnover in employees who work in the facility or who handle hazardous substances in the facility. Opportunity was provided for public comment and input from local government and the facility's employees to ensure that adequate information would be obtained about potential hazards caused by the facility's operation. Upon request, the Department of Environmental Protection and the Maine Emergency Management Agency would assist the Department of Labor during the inspection of hazardous substances at a facility.

Committee Amendment "A" (H-590) made a number of substantive changes to the bill:

1. It restricted the definition of "hazardous equipment" to boiler or pressure vessels;
2. It replaced the term "hazardous substance" with "toxic chemical";

3. It limited the application of the bill by eliminating commercial establishments from the inspection requirements of the bill and by increasing the threshold number of employees required to work at a facility from 50 to 100;
5. It revised the description of inspection standards for facilities subject to inspection under the bill, requiring the Department of Labor to incorporate, whenever possible, existing standards from other state or federal laws; and
6. It added an appropriation, allocation and fiscal note.

Senate Amendment "A" (S-428) removed the appropriation from the bill.

LD 350 An Act Concerning Teacher Collective Bargaining Agreements LV/WD

SPONSOR(S) NADEAU HANDY PINEAU	COMMITTEE REPORT LV/WD	AMENDMENTS ADOPTED
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SUMMARY

Currently, arbitration for municipal employees is not binding on economic issues such as wages, pensions and insurance. LD 350 included those issues within the scope of binding arbitration under the municipal public employees labor relations laws for all bargaining disputes involving public school employees. The means of arbitration was "issue-by-issue last best offer." The discretion of arbitrators in making their decisions under the bill was limited by the adoption of 11 specific criteria, such as the ability of the local governmental unit to pay for a cost item.

LD 351 An Act to Regulate Employee Dismissals ONTP

SPONSOR(S) MCHENRY RAND ESTY PINEAU	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

LD 351 comprehensively regulated the dismissal of employees by prohibiting employers from discharging employees with one or more years tenure for other than good cause. "Good cause" was defined in the bill to include circumstances related to an employee's job performance and to legitimate economic decisions made by an employer. An exception was provided for employees hired on a contract basis with a specific duration of employment and where there existed a written agreement between the employer and employee which guaranteed severance pay at levels specified in the bill. The bill provided for all disputes concerning employment terminations to be submitted to binding arbitration at the parties' expense. Remedies available to an employee included reinstatement to the employee's former position or severance pay and the payment of back pay, attorney's fees and costs, arbitration costs and punitive damages if the discharge was an extreme departure from public policy established by statutory or constitutional law. The arbitrator's decision was subject to judicial review in the same manner as other arbitration awards.