

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

AUGUST 1991

MEMBERS:

**Sen. Donald E. Esty, Jr.
Sen. Gerard P. Conley, Jr.
Sen. David L. Carpenter*

**Rep. Edward A. McHenry
Rep. Richard P. Ruhlin
Rep. Anne M. Rand
Rep. Elden McKeen
Rep. Edward L. Pineau
Rep. Vivian St. Onge
Rep. Rosalie H. Aikman
Rep. Peter Hastings
Rep. Richard A. Bennett
Rep. Sumner H. Lipman*

Staff:

Dyan M. Dyttmer, Legislative Analyst

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

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
ULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
RON CLARK
RYAN M. DYTTER
BRO FLATEBO
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
KANE ORBETON



KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
MARGARET J. REINSCH
PAUL J. SAUCIER
HAVEN WHITESIDE
MILA M. DWELLEY, RES. ASST.
ROY W. LENARDSON, RES. ASST.
BRET A. PRESTON, RES. ASST.

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

**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.

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
--	----------------------------------	---------------------------

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
--	---------------------------------	---------------------------

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.