

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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Sen. Gerard P. Conley, Jr.
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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 871

An Act Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims

ONTP

SPONSOR(S)
CLARK H
MCHENRY
TRACY
CONLEY

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

Under this bill, workers' compensation occupational injury or disease claims would be subject to a notice requirement to the employer of 30 days from injury or death or 30 days from the date the employee or person acting on the employee's behalf was aware or should have been aware of the relationship between the injury or death and the employment. Failure to give timely notice would not be a bar if no prejudice results to the employer. The burden of proof regarding notice would be on the employee after the employer shows noncompliance with the notice requirement.

LD 875

An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers

**DIED ON
ADJOURNMENT**

SPONSOR(S)
LUTHER
PINEAU
BUSTIN
MILLS

COMMITTEE REPORT
OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED

SUMMARY

LD 875 prohibited a professional strikebreaker from providing replacement employees to an employer involved in a labor dispute. "Professional strikebreaker" was defined to include any company that had on at least 3 occasions in the previous 5 years contracted to supply 100 or more replacement employees to employers involved in labor disputes. Security guards, special maintenance workers and previous employees of the employer were exempt from the prohibition.

Committee Amendment "A" (H-324) added a fiscal note to the bill.

LD 902

An Act to Provide for Medical Cost Containment in Workers' Compensation

ONTP

SPONSOR(S)
BUTLAND
PINEAU
HASTINGS
REED G

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill required the use of generic drugs in medical treatment of workers' compensation cases. It allowed the injured worker personal choice of physician or surgeon on initial visit and the next visit. It allowed the insurer or self-insurer to require approval from the commissioner for selection of a third physician or surgeon by the injured worker.