

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 1251 An Act to Raise the Family Allowance in Unemployment Compensation Benefits to a Reasonable Dependent Support Level

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	ONTP MAJ	
OLIVER	OTP-AM MIN	
TREAT		

SUMMARY

This bill increased the dependent supplement for unemployed workers from \$10 to \$25 per week per child.

Committee Amendment "A" (S-279), the minority report, replaced the original bill, increased the dependent supplement to \$15, and provided that no charges may be made to the experience rating record of individual employers for the supplement. It also added an appropriation and a fiscal note.

LD 1263 An Act Concerning the Resolution of Medical, Work-capacity and Return-to-work Issues and Procedures under the Workers' Compensation Act

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BAILEY R	ONTP	
GOULD R A		

SUMMARY

This bill authorized the Department of Human Services to have the facility conducting Social Security disability determinations to conduct medical examinations for workers' compensation with the cost paid by the employer. It declared the filing of a claim for payment to be a release to the employer of all medical records, pre-injury or post-injury, pertaining to the condition that gives rise to the claim. It required the employee's treating physician to submit to the employer medical reports within 48 hours of the first visit after the workplace injury and monthly thereafter. It changed the availability of work to the ordinary competitive labor market in the state in determining the degree of an employee's incapacity. It established an employer or commissioner option for an independent medical examination binding on all parties and not subject to further commission action. It deleted the deadline of 10 years after the date of last payment for petitions. It altered the provisions for reduction or suspension of benefits and allowed discontinuances without an employee's signature. It required the commission to notify employees receiving compensation of their return to employment obligations and the penalties for violation of that section. It allowed an employer receiving a return to work report to automatically reduce or discontinue benefits.

LD 1322 An Act to Clarify Appellate Procedures under the Public Sector Labor Laws

PUBLIC 143

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HASTINGS	OTP	
GAUVREAU		
CONLEY		

SUMMARY

This bill altered the following regarding appellate procedures under the public sector labor laws:

1. It amended the laws to conform to Rule 80C of the Maine Rules of Civil Procedure;

2. It required the filing of appeals to Superior Court for the review of prohibited practice decisions and unit decisions within 15 days of the issuance date; and
3. It clarified that the appellate procedures of the Maine Revised Statutes, Title 26, section 972, do not apply to grievance arbitrations as well as interest arbitrations.

LD 1327 An Act to Create a Duty of Fair Representation under the PUBLIC 166
University of Maine System Labor Relations Act

SPONSOR(S) GILL BOST HASTINGS	COMMITTEE REPORT OTP	AMENDMENTS ADOPTED
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SUMMARY

Three of the 4 public sector labor relations laws impose a duty of fair representation on the bargaining agent of a unit, without regard to union membership of the employees in that unit. This bill amended the University of Maine System labor relations law to include a duty of fair representation provision.

LD 1328 An Act to Clarify the Provisional Payments Provision of the ONTP
Workers' Compensation Laws Regarding Disability and Medical
Payments

SPONSOR(S) CONLEY GAUVREAU MCKEEN RAND	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

This bill expanded the law prohibiting delays in payment of or refusal to pay disability and medical benefits because of the filing of a workers' compensation claim. It authorized the Workers' Compensation Commission, upon application of any interested person, to issue a binding order for payment and repayment of such benefits.

LD 1329 An Act Concerning Salary Provisions for Automotive Industry PUBLIC 507
Personnel

SPONSOR(S) BALDACCI	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED S-354
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SUMMARY

This bill conformed provisions of state minimum wage law to those of federal law with respect to individuals employed in automobile parts departments.

Committee Amendment "A" (S-354) replaced the original bill and provided that the overtime provisions of the state minimum wage law are not applicable to automobile parts clerks who are employed by businesses selling vehicles to the ultimate purchaser and who are not paid on an hourly basis.