

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1992**

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 far right of the title. Various types of final action are abbreviated as follows:

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

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, 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 2255 An Act to Clarify Certain Classifications under the  
Prevailing Wage Laws**

LV/WD

**SPONSOR(S)**  
BUSTIN

**COMMITTEE REPORT**  
LV/WD

**AMENDMENTS ADOPTED**

**SUMMARY**

Under this bill, a separate minimum wage could be set for a helper classification in a trade or occupation only if such a classification was licensed under the Department of Professional and Financial Regulation pursuant to the Maine Revised Statutes, Title 32.

**LD 2310 An Act to Abolish the Second Injury Fund and Repeal the  
Employment Rehabilitation Fund Assessment**

PUBLIC 825  
EMERGENCY

**SPONSOR(S)**

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-1171

**SUMMARY**

This bill abolished the Second Injury Fund and the Employment Rehabilitation Fund and provided that any balances in those funds will be transferred to the General Fund after all claims against the funds have been resolved.

Committee Amendment "A" (H-1171) replaced the original bill so that the Second Injury Fund was abolished but only the funding mechanism of the Employment Rehabilitation Fund was repealed. The amendment transferred the assets of the Second Injury Fund to the Employment Rehabilitation Fund and provided that any existing obligations of the former would be paid by the latter. All claims against the Second Injury Fund for which there is no obligation to pay as of the effective date of the bill were eliminated. All fines or payments that under current law are deposited in the Second Injury Fund were redirected into the Employment Rehabilitation Fund. The amendment also added a fiscal note.

**LD 2376 Resolve, to Establish a Blue Ribbon Commission to Examine  
Alternatives to the Workers' Compensation System and to Make  
Recommendations Concerning Replacement of the Present System**

RESOLVE 59  
EMERGENCY

**SPONSOR(S)**  
SIMONDS  
LORD  
PINEAU  
ESTY

**COMMITTEE REPORT**  
OTP-AM MAJ  
ONTP MIN

**AMENDMENTS ADOPTED**  
H-1142

**SUMMARY**

This resolve established the Blue Ribbon Commission to Examine Alternatives to the Workers' Compensation System and to make recommendations concerning replacement of the Workers' Compensation Act.

Committee Amendment "A" (H-1142) added an emergency preamble and emergency clause, reduced the size of the Commission from 18 to 4 members, and established a reporting date of August 1, 1992. Two of the four members are chosen by the Governor, one by the President of the Senate and one by the Speaker of the House. Each was given the power to veto the selection of the other. The reporting date of the Commission may be extended to September 1, 1992 if a majority of the Commission votes that an extension is needed. The intent of the resolve was to ensure that the Legislature vote on the commission's

recommended legislation before offering amendments. The commission was funded by a one-time assessment on workers' compensation insurers and self-insured employers at a rate calculated to bring in total receipts of \$250,000. The amendment also added a fiscal note.

**LD 2381 An Act to Establish the Nontraditional Occupation Act**

**PUBLIC 807**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
RAND ESTY RUHLIN KILKELLY	OTP-AM	H-1178

**SUMMARY**

This bill required that 25% of certain job training and placement funds be used to encourage women to pursue nontraditional occupations and to support them in those occupations. The bill also required 1/4 of 1% of proceeds from the sale of any bond that generates employment be used to hire and provide services to women in nontraditional occupations.

Committee Amendment "A" (H-1178) replaced the original bill so that both men and women would receive greater opportunities to pursue nontraditional occupations under the Maine Job Training System. The amendment removed the mandated spending levels and earmarking of bond sale proceeds and added an affirmative action requirement for contractors and subcontractors on state contracts in excess of \$50,000. The amendment added a requirement that the Commissioner of Labor annually report measurable goals and the department's progress in encouraging nontraditional occupations. The amendment also added a fiscal note.

**LD 2385 An Act to Amend the Process for Collecting for Costs of Services of the Maine Labor Relations Board, the Panel of Mediators and the State Board of Arbitration and Conciliation**

**PUBLIC 798  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
ESTY CONLEY LIPMAN REED G	OTP-AM	S-637

**SUMMARY**

Public Law 1991, chapter 622 requires parties using certain services of the Maine Labor Relations Board, the Panel of Mediators and the State Board of Arbitration and Conciliation to pay for those services. This bill clarified that the Executive Director of the Maine Labor Relations Board is authorized to estimate and collect costs prior to providing the services. This bill also clarified those occasions where the services of the Maine Labor Relations Board are not charged to the parties.

Committee Amendment "A" (S-637) imposed a 25% penalty for failure to pay the invoiced amount and ensured that there would be no delay in the provision of services if one party failed to pay the estimated cost of the services. The amendment also authorized the executive director to collect any sums due through civil action and allowed attorney's fees if the executive director prevailed. The amendment also added a fiscal note.