

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

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

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

LD 687 An Act to Amend the Occupational Disease Law

VETO SUSTAINED

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN	OTP-AM MAJ	H-365 RUHLIN
	ONTP MIN	H-616 RUHLIN
		S-92

SUMMARY

This bill would have amended the Occupational Disease Law to provide the same level of coverage for all occupational diseases as is currently provided for radiation-related and asbestos-related diseases. The definition of "occupational disease" is amended to clarify that it does not include repetitive trauma syndromes, which are covered under the Workers' Compensation Act as injuries. This bill also rejects the holding of the Maine Law Court in Manzo v. Great Northern Paper Company, 615 A.2d 605 (Me 1992) by providing that an employee who has been diagnosed as having an occupational disease is entitled to medical services even if the employee has not been incapacitated by the disease.

The majority report of the committee (S-92) retained only those provisions in the original bill allowing medical services to an employee with an occupational disease who has not lost any work time. House Amendment "A" (H-365) provided for retroactive application of the changes to October 24, 1992. House Amendment "C" to Committee Amendment "A" (H-616) achieved the same objective as the Committee Amendment and specified that medical services would be available to employees who had not lost any work time only if the occupational disease is diagnosed within 3 years of the last injurious exposure.

LD 688 An Act Requiring Certification for the Payment of Subminimum Wages to Disabled Workers

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN	ONTP	

SUMMARY

This bill would have established new standards under which the State Department of Labor may issue certificates authorizing the payment of subminimum wages to disabled workers and it amended the provisions governing state contracts with work centers. The bill required certification for the payment of subminimum wages to disabled workers at a work center, restricted the subminimum wage to a 6-month training period and provided for continued payment of a subminimum wage to certified individuals performing noncompetitive employment. The bill established a Work Center Oversight Committee to review work center compliance with these provisions. The bill also prohibited state contracts with a work center unless that center is certified by the State's Department of Labor and the United States Department of Labor and the center pays the prevailing wage rate for work performed to fulfill that contract.

LD 701 An Act to Require Good Cause for Employment Termination

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LUTHER TRACY	ONTP	

SUMMARY

This bill is based on the Model Employment Termination Act drafted by the National Conference of Commissioners of Uniform State Laws and would have required good cause for the termination of an employee who worked for the employer for at least one year. Good cause is defined in the bill to include the

employee's job performance and legitimate business decisions made by an employer. The requirement of good cause does not apply if the employee contracted to work for a specific duration or the employer agreed to provide severance pay equal to one month's pay for every year of service. The bill would have provided for all disputes concerning employment terminations to be submitted to binding arbitration. If the arbitrator decides that a violation has occurred, the arbitrator may award reinstatement and back pay or severance pay, and attorney's fees and costs. If the arbitrator finds that the employee's complaint was frivolous, attorney's fees and costs may be awarded to the employer. The arbitrator's decision would be subject to judicial review in accordance with the Uniform Arbitration Act, Title 14, chapter 706.

LD 707 An Act Concerning the Maine Unemployment Insurance Commission ONTP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
PENDEXTER	ONTP	MAJ	
BEGLEY	OTP	MIN	

SUMMARY

This bill would have amended the employment security laws to specify that a decision of the Unemployment Insurance Commission must be made by the chair and at least one other member of the commission. Under current law, the chair of the commission must decide a case alone if one of the other two commissioners is absent or disqualified from a case.

LD 708 An Act to Change the Labor Laws that Apply to Students under 18 Years of Age ONTP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
PINEAU	ONTP		
CAREY			

SUMMARY

This bill would have changed the child labor laws related to minors 16 and 17 years of age to allow them to work additional hours when an authorized school closure occurs. The maximum hours allowed in a week would be increased from 20 to 28 in any week in which there is an authorized school closure.

A similar provision was incorporated into LD 1180.

LD 802 An Act to Improve the Unemployment Collection Process for Employer Contributions PUBLIC 312

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
BEGLEY	OTP-AM	MAJ	H-439 AIKMAN
	ONTP	MIN	S-156

SUMMARY

This bill expands the powers of the Bureau of Employment Security to collect delinquent unemployment taxes from employers and pass along the costs of collection efforts to delinquent taxpayers rather than raising employer taxes or borrowing federal funds to replenish the state's Unemployment Compensation Fund. The bill removes a 6-year statute of limitations for cases with intent to evade liability and establishes a 4-year period in which assessments must be made, with the running of the period of