

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 1163 An Act Repealing Advisory Boards on Labor Matters

ONTP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

ONTP

SUMMARY

The bill would have repealed the Commission on Safety and Health in the Maine Workplace, the State Advisory Council, the Displaced Homemakers Advisory Council, and the Governor's Committee on Employment of People with Disabilities. This bill was submitted in compliance with Public Law 1991, chapter 844, section 8, which requires the Secretary of State to submit legislation repealing all advisory boards and commissions.

LD 1184 An Act Concerning Independent Contractors and the Responsibilities of Landowners under the Workers' Compensation Laws

PUBLIC 120
EMERGENCY

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

DUTREMBLE D
CIANCHETTE
GOULD R A

OTP-AM

S-108

SUMMARY

This bill makes an independent contractor predetermination in the context of wood harvesting activities binding for the purpose of subsequent workers' compensation claims and exempts the landowner from liability if a predetermination of independent contractor status is made. It requires that the predetermination is valid for only one year or the duration of the contract, whichever is shorter and the bill establishes a conclusive presumption that the predetermination is correct. The bill requires that notice be given to all parties before a predetermination is made. It also requires the Workers' Compensation Board to review the effects of this bill and report back in November, 1993.

The Committee Amendment (S-108) clarifies that the landowner's liability applies only to the employees of a wood harvesting contractor and provides that the landowner may be exempted from liability by getting a predetermination only if the contract with the wood harvester expressly states that the contractor may not hire any employees without first providing the certificate of insurance to the landowner. The amendment also removes the requirement of notice to the parties at least 10 days before the predetermination is made and corrects an incorrect cross reference in the paragraph creating the conclusive presumption. The amendment also requires the Workers' Compensation Board to include in its report information on predeterminations made and prosecutions for attempts to circumvent liability. The amendment repeals Public Law 1993, chapter 65 (LD 498) which transferred responsibility for making the predeterminations from the Department of Labor to the Workers' Compensation Board and reenacts it with an effective date of July 1, 1993.

LD 1200 An Act Concerning Unemployment Benefits for Certain School Employees

ONTP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

OLIVER

ONTP

SUMMARY

This bill would have amended the Employment Security Law so that certain employees working in an educational institution could be eligible for unemployment benefits during periods when the school is not

in session. Prior to 1991, the Federal Unemployment Tax Act required that the State deny benefits to those individuals. Public Law 102-164, Section 302(a)(1) and Section 302(a)(2) amended the federal law so that the states are no longer required to deny benefits to those individuals.

LD 1207 An Act to Improve Standards for Video Display Terminal Operators ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
BUSTIN ONTP

SUMMARY

This bill would have required public and private employers to implement minimum standards to avoid, alleviate or mitigate health and safety hazards for operators of video display terminals. These standards include safe workplace conditions, periodic maintenance of terminals, employee education and training programs regarding the hazards and symptoms of video display terminal operation and procedures for proper terminal operation, annual eye examinations and periods of rest or alternative work away from the terminal. Penalties of up to \$300 per violation are provided, with administration and enforcement by the Bureau of Labor Standards.

LD 1209 An Act Regarding Veterans' Disabilities under the Workers' Compensation System ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
ERWIN ONTP

SUMMARY

This bill was intended to ensure that a United States veteran who has a service-connected disability is not penalized under the Maine Workers' Compensation Act of 1992 by that service-connected disability. It eliminates from the measure of disability any disability resulting from a service-connected condition.

**LD 1307 An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities PUBLIC 439
EMERGENCY**

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
BAILEY H OTP-AM S-364 PEARSON

SUMMARY

This bill clarifies the responsibility for providing workers' compensation coverage to municipal forest fire wardens and laborers hired for forest fire-fighting activities in municipalities. This language was passed during the Second Regular Session of the 115th Legislature as Public Law 1991, chapter 753 but was not included in the revised workers' compensation laws.

The Committee Amendment (H-285) adds a fiscal note. The Senate Amendment (S-364) amends the bill by adding a mandate preamble and a fiscal note.