

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR

MAY 1994

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

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 1744 An Act to Ensure Continued Federal Support for Unemployed Workers during Periods of High Unemployment

**PUBLIC 528
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED	
HANDY	OTP-AM	MAJ	S-438	
RUHLIN	OTP-AM	MIN	S-446	PEARSON

SUMMARY

This bill takes advantage of an option provided in a July 1992 amendment to the Federal - State Extended Unemployment Compensation Act of 1970 that permits the State to provide an additional 13 weeks or 20 weeks in periods of high unemployment to persons who have exhausted their regular unemployment benefits, at a cost borne 50% by the Federal Unemployment Trust Fund and 50% by the State's Unemployment Trust Fund. The bill also reduces the surcharge that was scheduled to increase on January 1, 1994 on employer's contributions by 1/10 of 1%.

COMMITTEE AMENDMENT "A" (S-438) like the original bill, implements the statutory language necessary for the State to use the optional extended benefit triggering method allowed by federal law. The amendment restricts the applicability of the new triggering method to ensure that only one 13-week period of extended benefits will be provided. The amendment also extends the freeze on the maximum weekly benefit amount from May 31, 1995 to October 28, 1995, a date calculated to ensure that 50% of the State's cost of this program comes from the Unemployment Trust Fund and 50% of the cost is borne by limiting benefit payments. This amendment also removes from the bill the 1/10 of 1% reduction in the employer surcharge and adds a fiscal note.

SENATE AMENDMENT "B" (S-446) removes the funding provisions in Committee Amendment "A" with the intent of having state agencies absorb the additional unemployment costs within existing resources.

LD 1745 An Act Concerning Independent Contractors

ONTP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED	
HANDY	ONTP			

SUMMARY

This bill was intended to simplify the determination of independent contractor status by creating a uniform definition of independent contractor to apply throughout the Maine Revised Statutes. Certain minor exceptions were made for uniform state laws. The bill would have provided that a determination of independent contractor status, made by one state agency, would be binding on all other state agencies unless a party could show by clear and convincing evidence that the employment relationship changed since the prior determination. An aggrieved party would have retained the right to seek review of an agency's legal conclusions by court appeal.

LD 1758 An Act to Protect the Rights of Employees and to Ensure the Proper Expenditure of Public Funds

VETO SUSTAINED

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED	
CHASE	OTP-AM	MAJ	H-865	
HANDY	ONTP	MIN	S-575	CIANCHETTE

SUMMARY

This bill would have made it unlawful for an employer to use state funds or state-administered funds to influence employees for or against unionization or to commit a violation of a labor, wage and hour, fair employment or human rights law or rule. This bill also would have required employers to make certain

records available to the public and to keep lists of employees and make them available to certain public agencies, auditors and employee organizations.

COMMITTEE AMENDMENT "A" (H-865) replaced the original bill but retained the bill's intent to limit the use of public funds to influence employees regarding unionization. The amendment extended the coverage of the bill to employee organizations seeking to unionize employees of covered employers and removed all governmental entities from the application of the bill. The amendment provided an exception to the disclosure requirement of records that would fall within an exception to the freedom of access laws and removed the requirement that a list of employees be provided upon demand. The amendment removed the provision prohibiting discrimination and streamlined the enforcement procedures. The amendment also removed the administrative penalty section and added a fiscal note.

SENATE AMENDMENT "B" (S-575) removes from the committee amendment the provision that makes the records relating to a program or a position funded with state funds fully accessible as public records. It replaces the subsection describing the enforcement procedures and provides that the records must be made available to the investigating department.

LD 1772 An Act to Attain Minimum Occupational Safety and Health Standards in Buildings and on Properties Owned or Leased by the State ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HANDY	ONTP	

SUMMARY

This bill would have required all departments and agencies in buildings and on property owned or leased by the State to develop and submit to the Bureau of General Services by January 1st of each year a list of occupational safety and health hazards and building security deficiencies, with a recommended program of correction.

LD 1833 An Act to Reinstitute Stipends PUBLIC 705

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MORRISON	OTP-AM A	H-892
BALDACCI	OTP-AM B	
	ONTP C	

SUMMARY

This bill authorizes the Director of the Bureau of Human Resources to approve payment of recruitment and retention adjustments for certain occupations in State Government in connection with the state mental health institutions. The provision is similar to the former Maine Revised Statutes, Title 5, section 7065, subsections 2-A, 2-B and 2-C.

COMMITTEE AMENDMENT "A" (H-892) removes the limitation in the original bill that restricted the use of recruitment and retention adjustments to occupations in the state mental health institutions and adds a fiscal note.