

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR

AUGUST 1995

**Staff:**

*Lisa Copenhaver, Legislative Analyst  
David Elliott, Principal Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*

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**Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333  
Telephone (207) 287-1670  
Telecopier (207) 287-1275

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

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

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

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

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issued, the parties get a final opportunity to negotiate a settlement. If the parties fail to settle within 10 days, the bill would have provided that the arbitrators' rulings are binding on both parties for all issues submitted. In a letter dated April 28, 1995, the Attorney General indicated that a similar bill, LD 537, would be a municipal mandate under Article IX, Section 21 of the Maine Constitution.

**LD 95**      **An Act to Clarify Liability of Employers of Domestic Employees Regarding Workers' Compensation**      ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
RUHLIN	ONTP	

**SUMMARY**

This bill would have excluded a person engaged in domestic service from the definition of "employee" in the Maine Workers' Compensation Act. The committee was informed that such an exemption is already provided in 39-A MRSA §401(1)(A).

**LD 121**      **An Act to Make the Workers' Compensation Laws for Temporary Employees Consistent with Those Laws for Permanent Employees**      PUBLIC 297

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CAMPBELL	OTP-AM	H-401

**SUMMARY**

Under current case law, if an employer uses an employee who is technically employed by someone else, such as a temporary help service, that employer is entitled to the immunity granted under the workers' compensation laws. This bill is intended to spell out this application of the employer's immunity in the workers' compensation statute.

COMMITTEE AMENDMENT "A" (H-401) clarifies that the immunity applies only if the temporary service agency has obtained workers' compensation coverage. The amendment also clarifies that the immunity only applies when the loaned employee is under the direction and control of the 3rd party. The amendment also adds a fiscal note to the bill.

**LD 131**      **An Act to Permit Suit against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death**      ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
TREAT	ONTP      MAJ	
	OTP-AM      MIN	

**SUMMARY**

This bill would have allowed the heirs or the estate of an employee to bring an action for wrongful death against an employer who intentionally requires an employee to work when the employer knows that there is a risk of serious bodily injury or death.

**LD 143**      **An Act to Increase the Minimum Wage in Maine**      PUBLIC 305

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
VOLENIK	OTP-AM      MAJ	H-67
RAND	OTP-AM      MIN	

**SUMMARY**

The original bill would have increased the minimum hourly wage to \$5 effective January 1, 1996.

COMMITTEE AMENDMENT "B" (H-67), the minority report of the Committee, replaces the original bill and restructures the entire section on the state minimum wage. Under current law, the state minimum wage increases to whatever level is established for the federal minimum wage, up to a maximum of \$5.00 per hour. The current federal and state minimum wage is \$4.25 per hour. The amendment adopted rewords current law to make it more understandable and increases the cap from \$5.00 per hour to \$5.15 per hour. The amendment also restructures the entire section so that the provisions on minimum wage, tips and overtime are presented in a clearer format.

COMMITTEE AMENDMENT "A" (H-66), the majority report of the Committee, would have raised the minimum wage to \$4.60 per hour on January 1, 1996 and to \$5.00 per hour on January 1, 1997 and would have restructured the section in a manner identical to the adopted amendment.

**LD 158 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain the Current Amortization Schedule for Unfunded Liabilities and to Prohibit Future Unfunded Liabilities of the Maine State Retirement System CON RES 2**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
BUSTIN	OTP-AM	MAJ	S-276
HATCH	OTP-AM	MAJ	

**SUMMARY**

This resolution proposes an amendment to the Constitution of Maine to (1) require annual appropriations to fund retirement and ancillary benefits on an actuarially sound basis; (2) prohibit creation of additional unfunded liabilities unless caused by experience losses; and (3) require appropriations to pay off system unfunded liabilities in 31 years or less (current amortization schedule).

COMMITTEE AMENDMENT "A" (S-276) is the majority report of the Joint Standing Committee on Labor. The amendment retains the intent of the resolution and clarifies the following points.

1. The normal costs of retirement must be funded on an actuarially sound basis each fiscal year.
2. Funds must be appropriated each year to pay off the current unfunded liability of the Retirement System over 31 years or less.
3. Future unfunded liability arising from experience losses must be paid over a 10-year period.

The amendment clarifies the title of the resolution and the headings of the sections proposed to be added to the Constitution of Maine and rewords the referendum question to be consistent with the intent of the resolution. The amendment also adds a fiscal note to the resolution.

COMMITTEE AMENDMENT "B" (S-277), the minority report of the committee, was not adopted. The amendment would have introduced an override procedure by which the Governor and a 7/8 majority of each House of the Legislature could agree not to comply with the funding requirements in cases of severe economic emergency. The amendment also would have clarified that, except in such emergencies:

1. The normal costs of retirement must be funded on an actuarially sound basis each fiscal year;
2. Funds must be appropriated each year to pay off the current unfunded liability of the Maine State Retirement System over 31 years or less; and