

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR

AUGUST 1995

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MEMBERS:

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Sen. Anne M. Rand*

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**Denotes Chair*



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**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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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.

5581LHS

LD 314

An Act to Allow Contract Employees of the Maine State Ferry Service to Buy Retirement Time

DIED BETWEEN BODIES

SPONSOR(S)

SIMONEAU

COMMITTEE REPORT

OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED

SUMMARY

The Maine State Ferry Service supplements its ferry crews with individuals working as independent contractors. As independent contractors, these individuals are required to pay federal self-employment taxes. The Internal Revenue Service is currently investigating whether these persons should be considered employees of the State rather than independent contractors. This bill would have allowed these individuals to purchase creditable service in the Maine State Retirement System for work performed between 1991 and 1996 if the Internal Revenue Service rules that they are state employees and their self-employment taxes are refunded.

LD 316 An Act to Forbid an Employer from Hiring Replacement Workers during a Strike

DIED BETWEEN BODIES

SPONSOR(S)

AHEARNE

COMMITTEE REPORT

ONTP MAJ
OTP-AM MIN

AMENDMENTS ADOPTED

SUMMARY

The original bill would have prohibited an employer from hiring replacement workers during a labor dispute and also would prohibit a person from picketing before the residence of an individual. The minority report of the Committee would have replaced the bill with a provision making it illegal to enter into contracts with replacement workers unless the contract provides that when the strike is ended, the replacement workers would not be retained in preference to the strikers. The minority report also repealed certain parts of the current law that a Superior Court Judge had determined were preempted by federal law. The House also adopted an amendment which limited the restrictions if the strike extended beyond 45 days. In a letter dated May 8, 1995, the Attorney General indicated that it would be very likely that a court would find both LD 316 and LD 686 to be preempted by federal law.

LD 332 An Act to Amend the Child Labor Laws to Prohibit 14-year-old Minors from Working in Any Restaurant or Eating Place

INDEF PP

SPONSOR(S)

BENOIT

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

SUMMARY

The original bill would have permitted a minor under 16 years of age to work in a hotel or rooming house. The committee amendment would have prohibited a minor 14 years of age from working in any restaurant or eating establishment unless the minor is employed by or supervised by the minor's parent. The amendment maintained the prohibition of minors under the age of 16 from working in hotels or rooming houses but allowed 15-year-olds to work in the kitchens, dining rooms and offices of motels. The committee amendment expressly prohibited these minors from working in any area not listed as permitted and prohibited performing room service, making deliveries to the rooms or entering the hotel rooms and hallways. The amendment also added an appropriation and a fiscal note to the bill. The bill was indefinitely postponed after failing to receive funding on the Appropriations table.