

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JUNE 1996

MEMBERS:

Sen. Charles M. Begley, Chair

Sen. S. Peter Mills

Sen. Anne M. Rand

Rep. Pamela H. Hatch, Chair

Rep. John L. Tuttle

Rep. Gail M. Chase

Rep. Patricia Lemaire

Rep. Roland B. Samson

Rep. Henry L. Joy

Rep. Steven Joyce

Rep. Robert E. Pendleton, Jr.

Rep. Vaughn A. Stedman

Rep. Tom J. Winsor

Staff:

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

LD 926 **An Act to Prevent Impasse in Collective Bargaining by Allowing Parties of Either Side to Request Mediation**

ONTP

Sponsor(s)
SAMSON

Committee Report
ONTP

Amendments Adopted

LD 926 proposed to clarify the duty of a public employer and public employees to bargain in good faith after an arbitrator has made advisory recommendations and would have provided that the most recent collective bargaining agreement remain in force until a new agreement is ratified.

LD 946 **An Act Concerning Notification to Maine Workers and Contractors**

PUBLIC 524

Sponsor(s)
LONGLEY
JACQUES

Committee Report
OTP-AM MAJ
OTP-AM MIN

Amendments Adopted
S-418

LD 946, which was carried over from the First Regular Session, proposed to give preference in the award of construction and public works contracts by the State and its political subdivisions to in-state bidders, provided their bids are no more than 5% over bids submitted by out-of-state bidders. The bill defined "in-state bidder" as a bidder whose principal place of business or a branch of the bidder's principal place of business has been located in the State for a period of at least 2 years and who will employ at least 90% Maine residents to perform the contract. The original title of LD 946 was "An Act Concerning Preference to Maine Workers and Contractors."

Committee Amendment "A" (S-418), the majority report of the committee, proposed to replace the original bill with provisions intended to provide Maine businesses with timely information on opportunities to participate as subcontractors in contracts awarded by the State. The amendment proposed that potential bidders be notified through the bidding documents of the availability of information on Maine subcontractors and suppliers. The State would have to notify the appropriate economic development organization of anticipated contracting opportunities and, if a contract were expected to exceed \$100,000, Maine businesses would also be notified of the opportunity. The amendment also proposed that the current statutory provision giving a preference to resident bidders for equally favorable bids be amended to reflect the requirements currently in the Maine Revised Statutes, Title 5 that apply to state public improvement projects.

Committee Amendment "B" (S-419), the minority report of the committee, proposed to replace the bill entirely. The amendment would have repealed the provisions of Public Law 1995, chapter 387, that were enacted during the First Regular Session (LD 1200, State and Local Government). The provisions in chapter 387 require the State to add a certain percent increase to the bid of an out-of-state contractor if that contractor's home state gives preference to its own in-state bidders. (Not adopted)

Enacted law summary

Public Law 1995, chapter 524 imposes certain requirements on the State so that Maine businesses have available timely information on opportunities to participate as subcontractors in contracts awarded by the State. Potential bidders are notified through the bidding documents of the availability of information on Maine subcontractors and suppliers. The State must notify the appropriate economic development organization of anticipated contracting opportunities and, if a contract is expected to exceed \$100,000, Maine businesses are also notified of the opportunity.

The current statutory provision giving a preference to resident bidders for equally favorable bids is amended to refer to the requirements currently in the Maine Revised Statutes, Title 5 that apply to state public improvement projects.

LD 1056 Resolve, to Create an Advisory Committee to Assist in the Management of State Employee Workers' Compensation Costs RESOLVE 63

<u>Sponsor(s)</u>	<u>Committee Report</u>		<u>Amendments Adopted</u>
HARRIMAN	OTP-AM	MAJ	H-743
	ONTP	MIN	S-420

LD 1056, which was carried over from the First Regular Session, proposed to create an advisory committee to review the current method of funding workers compensation costs for state employees and make recommendations to the Governor and the Legislature on the best way to fund those costs consistent with fiscal responsibility, efficiency and public accountability. The proposal required the advisory committee to report its recommendations before the Second Regular Session of the 117th Legislature. The original title of LD 1056 was “Resolve, to Create an Advisory Committee to Assist in the Funding of State Employee Workers’ Compensation Claims.”

Committee Amendment "A" (S-420), the majority report, proposed to replace the entire bill and change the focus of the advisory committee from workers' compensation funding issues to the State's management of its return-to-work and safety programs. The membership of the advisory committee would have increased from 9 to 12 members and experience in workplace safety and return-to-work programs would have been required for certain members. The amendment required the first meeting to be called by September 15, 1996 and at that meeting the Department of Administrative and Financial Services, Bureau of Human Resources would be required to report on the programs that the State has in place and the steps that have been taken to improve the State's management of its workers' compensation costs. The proposal required the advisory committee to report to the Governor and the legislative committees having jurisdiction over labor matters and state and local government matters by February 1, 1997. The amendment also added a fiscal note to the bill.

House Amendment "A" to Committee Amendment "A" (H-743) proposed that the first meeting of the advisory committee be called by the Chair of the Legislative Council.

Enacted law summary

Resolve 1995, chapter 63 creates an advisory committee to review the State's management of its return-to-work and safety programs. The Governor, the President of the Senate and the Speaker of the House of Representatives each appoint 4 of the 12 members of the committee. The Resolve specifies the affiliation or experience expected for each member. The first meeting must be called by the Chair of the Legislative Council by September 15, 1996 and at that meeting the Department of Administrative and Financial Services, Bureau of Human Resources is required to report on the programs that the State has in place and the steps that have been taken to improve the State's management of its workers' compensation costs. The advisory committee must report its recommendations to the Governor and the legislative committees having jurisdiction over labor matters and state and local government matters by February 1, 1997.