

# 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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*\*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 &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.

5581LHS

**LD 953 An Act to Amend the Workers' Compensation Board's Annual Assessment**

PUBLIC 59  
EMERGENCY

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
	OTP-AM	H-148

**SUMMARY**

The original bill represents a report required by Public Law 1993, chapter 619 from the Superintendent of Insurance and the Executive Director of the Workers' Compensation Board on the most equitable pro rata distribution of the Workers' Compensation Board's annual assessment.

COMMITTEE AMENDMENT "A" (H-148) provides that the assessment imposed on an insured employer for support of the costs of the Workers' Compensation Board is a percentage rate of that insured employer's premium. The initial assessment must be based on estimates of the premium base for the upcoming fiscal year, determined in consultation with the Bureau of Insurance and other sources. The board may adjust the assessment percentage during the year to ensure that receipts are high enough to cover the board's budget allocation. The board is required to return assessment payments that exceed projected receipts by more than 10% and may create a reserve with funds received within that margin. The amendment also permits insurers with estimated annual payments of over \$50,000 to make quarterly payments instead of annual payments. Affiliated insurers are permitted to consolidate their payments to meet this threshold requirement for quarterly payments. The amendment also adds a fiscal note to the bill.

**LD 955 An Act to Amend the Workers' Compensation Act As It Relates to Incarcerated Individuals**

PUBLIC 293

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CLUKEY HALL	OTP-AM	H-440

**SUMMARY**

The original bill applied retroactively the law prohibiting payment of workers' compensation benefits to incarcerated persons to those payments being received under any prior workers' compensation laws.

COMMITTEE AMENDMENT "A" (H-440) adds to the original bill by prohibiting the receipt of workers' compensation benefits by an incarcerated individual who has been convicted of a crime but has not received final sentencing. The amendment maintains the intent of the original bill to make the prohibition on receiving incapacity benefits apply to all incarcerated individuals, regardless of the date of injury. The amendment also clarifies that the application section only applies to eligibility for incapacity benefits after the effective date of the Act and does not affect benefits already received by incarcerated individuals.

**LD 978 An Act to Transfer Responsibility for Approval of Employee Assistance Programs**

PUBLIC 283

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
STEVENS A	OTP	

**SUMMARY**

When the Office of Alcohol and Drug Abuse became the Office of Substance Abuse the responsibility for approval of employee assistance programs was inadvertently not transferred. The Office of Substance Abuse has continued to perform the function and this bill amends the law to reflect current practice.