

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1997

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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 Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

LD 66 **An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike** **VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE CATHCART	OTP MAJ ONTP MIN	

LD 66 proposed to repeal the provisions in current law that attempt to restrict an employer's right to hire replacement workers during a labor dispute. The bill proposed to retain only those provisions that relate directly to deterrence of violence during a labor dispute. The bill also would have required that a contract between an employer and replacement workers must provide that when the strike is settled or if the employees offer unconditionally to return to work, the replacement workers will not be retained in preference to the strikers.

Senate Amendment "A" (S-167), which was not adopted, proposed to limit the restriction on the retention of replacement workers so that the restriction would not apply if the strike extended beyond 45 days.

LD 75 **An Act to Provide that the Change in Calculation of Workers' Compensation Benefits to Include Fringe Benefits Does Not Apply Retroactively** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARLETON	ONTP	

The Workers' Compensation Act of 1992 changed the definition of average weekly wage so that the value of certain fringe benefits provided by the employer must be included if it does not raise the employee's average weekly wage over two-thirds of the statewide average. In Beaulieu v. Maine Medical Center, 675 A.2d 110 (Me. 1996), the Maine Law Court held that the new definition applies retroactively to pre-1993 injuries. LD 75 proposed changes so that the new definition would not apply to injuries occurring prior to January 1, 1993.

LD 86 **An Act to Clarify Eligibility for State Employee Health Insurance Program Benefits** **P & S 9 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R	OTP-AM	H-11

LD 86 proposed to provide otherwise ineligible state employees with continued health insurance benefits under the state group health plan if they were laid off within one year of their normal retirement date.

Committee Amendment "A" (H-11) replaced the bill and accomplished the purpose of the bill in a different manner. Under current law, state employees who retire with at least one year of continuous service immediately before retirement are eligible for health insurance coverage under the state group health plan. Like the original bill, the amendment provided for continued health insurance coverage under the state group plan for certain employees who are laid off shortly before retirement. The amendment applied to a very small number of state employees laid off as a

result of the recommendations of the Productivity Realization Task Force. The amendment required that for continued insurance coverage to be available:

1. The layoff must have occurred between July 1, 1995 and December 31, 1996;
2. The layoff must have occurred within one year of the employee's normal retirement age. The new coverage will not be available to employees who retire significantly before normal retirement age;
3. Following layoff, the employee retired at normal retirement age; and
4. The employee paid the costs of the insurance coverage from the date of layoff to normal retirement age.

Enacted law summary

Private and Special Law 1997, chapter 9 provides for continued health insurance coverage under the state group health plan for the small number of state employees who were laid off in 1995 and 1996 within one year of the employees' normal retirement date as a result of the recommendations of the Productivity Realization Task Force. Chapter 9 was enacted as an emergency measure effective March 28, 1997.

LD 96 An Act to Exempt Seasonal Golf Course Employees from the ONTP
Unemployment Compensation Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTH FERGUSON	ONTP	

LD 96 proposed to exempt from the definition of "employment" for unemployment compensation purposes persons who work at golf courses that operate for six or fewer months a year. The seasonality exclusion will be addressed by the Commission to Study the Unemployment Compensation System, established by LD 332.

LD 101 An Act to Allow Public Safety Employees to Purchase Their ONTP
Military Time for Retirement Purposes

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	ONTP	

LD 101 would have broadened the ability of State Police officers to purchase service credit for time spent in military service before becoming a retirement system member. Currently such military service time may be purchased only if the military service occurs during a "federally recognized period of conflict," as that term is defined by law, and all State employee and teacher members may purchase that "federally recognized period" time as well.