

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

Enacted law summary

Public Law 1997, chapter 349 provides that lessees of taxicabs are excluded from the definition of employment for unemployment compensation purposes if their employment is not subject to federal unemployment tax. The law also specifies that an exemption from unemployment compensation has no bearing on the question of whether a taxicab lessee is an independent contractor for workers' compensation purposes.

LD 402

An Act to Amend the Family Medical Leave Laws

PUBLIC 546

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-379 MICHAUD S-88

LD 402 proposed to make certain definitions in the State's family medical leave laws conform to the definitions in the federal Family and Medical Leave Act of 1993. This bill also proposed to allow the award of attorney's fees, expert witness fees and other costs of a civil action to enforce the law.

Committee Amendment "A" (S-88) proposed to delete the language in the bill that would give the court discretion to award reasonable attorney's fees, reasonable expert witness fees and other costs of the civil action. It also proposed to add an appropriation section and a fiscal note to the bill to reflect the costs of updating the employment law notice published and distributed by the Department of Labor.

Senate Amendment "A" to Committee Amendment "A" (S-379) proposed that the Department of Labor would not have to incur the costs of updating and distributing the employment law notice until the current supply is depleted.

Enacted law summary

Public Law 1997, chapter 546 makes certain definitions in the State's family medical leave laws conform to the definitions in the federal Family and Medical Leave Act of 1993. The law also provides that the Department of Labor need not update and distribute the employment law notice until the current supplies of the posters have been depleted.

LD 411

An Act to Bring Certain State Retirement Laws into Compliance with Federal Laws

**PUBLIC 192
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-134

LD 411 proposed required that assets under a deferred compensation plan offered to public employers be held in trust for the exclusive benefit of plan participants and their beneficiaries. This change makes state law consistent with federal law changes enacted as part of the Federal Small Business Protection Act of 1996. See also LD 937 referred to the State and Local Government Committee which proposed changes in the State's deferred compensation plan.

Committee Amendment "A" (S-134) provided for the treatment of custodial accounts, annuity contracts and other contracts for deferral of employee compensation under the State's deferred compensation plan as trusts consistent with federal law. This amendment also added an emergency preamble and clause to the bill.

Enacted law summary

Public Law 1997, chapter 192, consistent with recent changes in federal law, declares that employee compensation and earnings thereon under a deferred compensation plan offered to public employees must be held in trust for the exclusive benefit of those employees and their beneficiaries. Chapter 192 was enacted as an emergency measure effective May 15, 1997.

LD 419 **An Act to Change the Weekly Employee Pay Requirement in State Law** **ONTP**

<u>Sponsor(s)</u> CATHCART		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 419 proposed to allow employers required to pay on a weekly basis to apply for a waiver from the weekly pay requirement. It also adds commercial laundries and dry-cleaning establishments to the industries covered by that requirement.

LD 452 **An Act to Protect the Rights of Employees Who Volunteer Their Time as Firefighters** **ONTP**

<u>Sponsor(s)</u> JONES SA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 452 proposed to prohibit an employer from penalizing an employee who is absent from work to perform volunteer firefighting duties if the employee has provided proper notice to the employer. The bill would have given the employer the option of whether this should be paid or unpaid time. The bill proposed to allow the employee to bring a civil action for damages or seek equitable relief if the employer did not comply.

LD 454 **An Act to Amend the Drug Testing Program Approval Laws** **PUBLIC 49**

<u>Sponsor(s)</u> HATCH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 454 proposed to allow the Department of Labor to create through rule-making model substance abuse testing policies for testing applicants and testing employees when probable cause has been determined to exist. The rules adopted under this proposal may provide for expedited approval of the testing policies for employers adopting the model policies.

Enacted law summary