

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
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LD 596

An Act to Require the Department of Labor to Ensure That Housing Provided as an Incident of Employment by Agricultural Employers Meets Minimum Standards of Habitability

PUBLIC 387

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMAIRE RAND	OTP-AM	H-484

LD 596 proposed to require the Department of Labor, Bureau of Labor Standards to adopt rules regarding the condition of housing provided to workers by employers of agricultural labor who provide housing to 75 or more workers for more than 180 days a year. The rules would have to be at least as stringent as the regulations on housing promulgated by the federal Department of Labor, Occupational Safety and Health Administration under the federal Migrant and Seasonal Agricultural Worker Protection Act. The bill proposed to allow an action to enforce the standards to be brought by either the State or a private party.

Committee Amendment "A" (H-484) proposed to change the content of the rules to be adopted by the Department of Labor, Bureau of Labor Standards to make them identical to the federal housing regulations adopted under the authority of the federal Migrant and Seasonal Agricultural Worker Protection Act. The amendment also proposed to change the application of the rules to housing facilities of agricultural employers who house more than five employees and whose housing habitability standards are not already governed by the federal housing regulations. The amendment also proposed to give the Department of Human Services the authority to perform the duties of local health officers, including inspections, when the local health officer fails to perform those duties.

Enacted law summary

Public Law 1997, chapter 387 requires the Department of Labor, Bureau of Labor Standards to adopt rules regarding the condition of housing facilities of agricultural employers who house more than five employees. The rules must be identical to the regulations on housing promulgated by the federal Department of Labor, Occupational Safety and Health Administration under the federal Migrant and Seasonal Agricultural Worker Protection Act and only apply to housing facilities not already governed by the federal law. The law permits an action to enforce the housing standards to be brought by either the State or a private party. Chapter 387 also gives the Department of Human Services the authority to perform the duties of local health officers, including inspections, when the local health officer fails to perform those duties.

LD 624

An Act to Expand the Family Medical Leave Laws

PUBLIC 515

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART HATCH	OTP-AM MAJ ONTP MIN	S-235 S-371 MICHAUD

LD 624 proposed to require that leave be allowed for attendance at parent-teacher conferences. The bill also proposed to expand the coverage of the family medical leave laws by reducing the threshold for covered employers from 25 employees to 15 employees at the worksite.

Committee Amendment "A" (S-235) proposed to strike from the original bill the provision that includes parent-teacher conferences among the authorized reasons for family medical leave. It also adds an appropriation section to reflect the costs of updating and distributing a printed notice of the law to employers in the State.

Senate Amendment "A" to Committee Amendment "A" (S-371) This amendment proposed to allow the Department of Labor to wait until there is an insufficient supply of notices to provide the updated version rather than having to reprint and distribute a full supply immediately. The amendment removed the appropriation section from the bill.

Enacted law summary

Public Law 1997, chapter 515 expands the coverage of the family medical leave laws by reducing the threshold for covered employers from 25 employees to 15 employees at the worksite. The Department of Labor may wait until there is an insufficient supply of notices of employment law to provide the updated version rather than having to reprint and distribute a full supply immediately.

LD 625 **An Act to Clarify the Laws Governing the Calculation of Interest on Decrees under the Workers' Compensation Laws** **ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 625 proposed to simplify the payment of simple interest on overdue workers' compensation benefits by replacing two different rates of interest required under current law. The bill proposed a rate of 1% per month for each full calendar month that the benefit payment has been due and gives a period of grace for the month in which each benefit first accrues. Benefits payable within each calendar month are treated as a single award with interest to accrue only from the end of the month forward. The bill proposed changes to clarify that the same rate applies to both medical bills and wage benefits included within the award. The method of calculation proposed in the bill would apply to all workers' compensation obligations arising after the effective date of the bill regardless of the date of injury.

LD 630 **An Act to Create a Toll-free Number for Regional Unemployment Offices** **ONTP**

<u>Sponsor(s)</u> TUTTLE CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 630 proposed to require the Commissioner of Labor to set up a toll-free telephone number so that individuals and employers may transact business with the appropriate unemployment office without having to make a long-distance telephone call.