

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 765 proposed to prohibit all employers from requiring prospective employees to take polygraph tests as part of the hiring process or promotion.

LD 830 **Resolve, Directing the Workers' Compensation Board to Study the Effect on Injured Workers of Delayed Medical Treatment and Payment of Valid Claims by Insurance Companies** **ONTP**

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

LD 830 proposed to direct the Workers' Compensation Board to design and conduct a study on the frequency and impact of delays in the initial payment of benefits to injured workers. The study proposed must address whether the delays in benefit payment lengthen the period of disability, increase medical costs or interfere with successful rehabilitation of the injured worker. The bill required a report to be submitted by February 15, 1999 to the Joint Standing Committee on Labor.

LD 835 **Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law** **CARRIED OVER**

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

LD 835 proposes to direct the Worker' Compensation Board to study certain unique issues involved in providing workers' compensation benefits to employees under the Occupational Disease Law and to make recommendations as necessary to ensure the purposes of the Workers' Compensation Act of 1992 are achieved with respect to occupational diseases. The issues the resolve identifies are proof of causation when the disease is believed to be caused by hazardous materials, problems related to long latency periods, apportionment of liability, and provision of benefits when there is no lost work time. The resolve proposes that the Workers' Compensation Board report by January 1, 1999 to the joint standing committee having jurisdiction over labor matters. This resolve was carried over to the Second Regular Session.

LD 840 **An Act to Have State Wage Laws Conform with the Federal Small Business Job Protection Act of 1996** **DIED IN CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARLETON	ONTP MAJ OTP-AM MIN	

LD 840 proposed to amend Maine law to parallel changes that were recently made to federal wage laws in the Small Business Job Protection Act of 1996. The bill proposed to make the required wage for tipped employees the same as required under federal law. The bill also would have permitted the payment of an opportunity wage of \$4.25 an hour to certain employees under 20 years of age for the first 90 days of employment. The bill would have required the

Department of Labor and the Department of Administrative and Financial Services, Bureau of Taxation to review the entire Small Business Job Protection Act of 1996 and report to the Joint Standing Committee on Labor and the Joint Standing Committee on Taxation on the financial and policy implications of amending Maine law to further conform with the federal act.

Committee Amendment "A" (H-477), which was not adopted, proposed to remove the provision in the original bill that permitted the payment of an opportunity wage of \$4.25 per hour to employees under the age of 20 for their first 90 days of employment.

LD 870 **An Act to Protect Pension Benefits of Participating Local District Members** **ONTP**

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 870 proposed to prohibit a participating local district from reducing its contribution toward employee retirement below the level in effect on October 1, 1997. The bill also provided that once a member is hired, the member is entitled, at a minimum, to the level of benefits provided by statute on the member's date of hire.

LD 878 **An Act to Further Facilitate the Purchase of Service Credit in the Maine State Retirement System** **PUBLIC 190**

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-136
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LD 878 proposed to allow members of the Maine State Retirement System to purchase service credit for time during which the member was on an unpaid or partially paid educational leave. Members would be required to pay the actuarial cost for this service credit so that there is no cost to the State.

Committee Amendment "A" (S-136) like the bill, authorized state employees to purchase service credit in the Maine State Retirement System for time spent on unpaid or partially paid educational leave under the Maine Educational Leave Act. The amendment codified the new language in a separate statutory section to avoid confusion with other purchase of service credit provisions and required that the member must return to state service following the educational leave. The amendment restricted use of the service credit purchased to benefit calculation; the additional credit may not be used for vesting or determination of eligibility for retirement purposes. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 190 allows members of the Maine State Retirement System to purchase service credit for time spent on unpaid or partially paid educational leave, provided the member returns to state service and pays the full actuarial cost of the increased benefit and that the service credit purchased is used to only increase retirement benefits due.