

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

Staff:

Lisa C. Copenhaver, Legislative Analyst
Thomas H. Eyman, Legislative Analyst
David C. Elliott, Principal Analyst

Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670

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Maine State Legislature

OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**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:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

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 1130

An Act Restoring the Right to Sue to Workers Injured Due to Negligence

ONTP

Sponsor(s)
RINES

Committee Report
ONTP

Amendments Adopted

LD 1130 proposed to restore to an injured employee the right to sue the employer for damages if the injury is due to the negligence, gross negligence or illegal acts of the employer and the disability resulting from the injury exceeds the duration of benefits for partial incapacity under the Workers' Compensation Act of 1992. Any recovery would be in addition to that available to the employee under the Workers' Compensation Act. Under this bill, the employee's right to sue may not be waived or modified. A related bill, LD 1193, was carried over to the Second Regular Session.

LD 1131

An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence

ONTP

Sponsor(s)
RINES

Committee Report
ONTP

Amendments Adopted

LD 1131 proposed to restore to the injured employee the right to sue the employer for damages if the injury is due to the gross negligence or illegal act of the employer. Any recovery under this proposal is in addition to that available to the employee under the Workers' Compensation Act. In addition, the bill provided that the employee's right to sue may not be waived or modified. A related bill, LD 1193, was carried over to the Second Regular Session.

LD 1140

An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers

**PUBLIC 359
EMERGENCY**

Sponsor(s)
KNEELAND

Committee Report
OTP-AM

Amendments Adopted
H-480

LD 1140 proposed to amend the Workers' Compensation laws to provide that laborers who engage in activities that involve packing and storage of agricultural products fall under the definition of seasonal employees and further provides that those activities are deemed part of the harvest season. The bill proposed that employers of those laborers would not be liable for securing workers' compensation insurance for those laborers but must maintain liability insurance.

Committee Amendment "A" (H-480) proposed to clarify current law regarding the exemption for small agricultural employers. The amendment would make it clear that seasonal and casual laborers are not included when calculating whether the employer has employed more than 6 agricultural or aquacultural laborers in the preceding year. This amendment also added an emergency preamble and emergency clause to the bill.

Enacted law summary

Public Law 1997, chapter 359 clarifies current law regarding the exemption for small agricultural employers. The law makes it clear that seasonal and casual laborers are not included when calculating whether the employer has employed more than six agricultural or aquacultural laborers in the preceding year. Chapter 359 was enacted as an emergency measure with an effective date of May 31, 1997.

LD 1180 **An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers** **VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM MAJ ONTP MIN	H-615

LD 1180 proposed to remove the provision that gives an employer the right to select a health care provider for an injured employee for the first 10 days of health care under the workers' compensation laws.

Committee Amendment "A" (H-615) proposed to limit the employee's use of a health care provider during the first 10 days to one evaluation performed by a physician or specialist with whom the employee had a previously established relationship.

LD 1189 **An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program** **PUBLIC 130**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R	OTP	

LD 1189 proposed to amend the appeal procedure for the State's self-employment assistance program to make it more compatible with the operation of that program. Under the proposal, if a person eligible for unemployment benefits is not accepted into a self-employment assistance program, the individual may have the determination reviewed informally by a board appointed by the Commissioner of Labor. Further hearings and appeals would have to be made in accordance with the Maine Administrative Procedure Act.

Enacted law summary

Public Law 1997, chapter 130 amends the appeal procedure for the State's self-employment assistance program provided to certain individuals eligible for unemployment benefits to make it more compatible with the operation of that program. If a person is not accepted into a self-employment assistance program, the individual may have the determination reviewed informally by a board appointed by the Commissioner of Labor. Further hearings and appeals are made in accordance with the Maine Administrative Procedure Act.