

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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*

***MEMBERS:***

*Sen. Mary R. Cathcart, Chair  
Sen. Sharon Anglin Treat  
Sen. S. Peter Mills*

*Rep. Pamela H. Hatch, Chair  
Rep. Roland B. Samson  
Rep. Brian Bolduc  
Rep. Joseph E. Clark  
Rep. Benjamin L. Rines, Jr.  
Rep. Stephen S. Stanley  
Rep. Henry L. Joy  
Rep. Steven M. Joyce  
Rep. Robert E. Pendleton, Jr.  
Rep. Russell P. Treadwell*



**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](http://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 1192**                      **An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers**                      **CARRIED OVER**

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

LD 1192 proposes that an annual adjustment be made to workers' compensation disability benefits so that benefits continue to bear the same percentage relationship to the State average weekly wage. This bill was carried over to the Second Regular Session.

**LD 1193**                      **An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death**                      **CARRIED OVER**

<u>Sponsor(s)</u> BOLDUC RAND	<u>Committee Report</u>	<u>Amendments Adopted</u>
-------------------------------------	-------------------------	---------------------------

LD 1193 proposes to amend the exclusivity provision of the Maine Workers' Compensation Act of 1992 to allow a civil suit in certain circumstances. The bill proposes to allow the heirs or the estate of an employee to bring an action for wrongful death against an employer who intentionally requires that employee to work when the employer knew that there was a risk of serious bodily injury or death. This bill was carried over to the Second Regular Session. See also LD 1130, LD 1131 and LD 30 (Judiciary).

**LD 1221**                      **An Act to Permit Whitewater Rafting Guides to Be Paid at a Daily Rather Than an Hourly Rate**                      **ONTP**

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

LD 1221 proposed to allow an employer to employ a licensed whitewater guide for more than 40 hours in a week without having to pay overtime pay as long as that guide were paid at a daily rate at least equal to the state hourly minimum wage for the first eight hours worked plus one and one-half times the minimum wage for each hour or portion of an hour over eight hours worked in that day.

**LD 1226**                      **An Act to Amend the Retirement System as it Pertains to Qualified Survivors**                      **PUBLIC 396**

<u>Sponsor(s)</u> BENOIT GOOLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-238
---------------------------------------	-----------------------------------	------------------------------------

LD 1226 proposed to require that survivor benefits be paid to a spouse, former spouse, child or other dependent of a State Police Officer when the spouse, etc. has been recognized by a domestic relations order as having a right to receive all or a portion of the benefits. This requirement would have applied to any current cases in which the issue of survivorship has not yet been litigated. Current law provides that the person married to the officer at the time of the officer's death is entitled to the benefits, regardless of whether the officer was married to and divorced from another person prior to the officer's death.

**Committee Amendment "A" (S-238)** proposed to replace the language in section 1 of the bill to clarify the intent of the bill. The amendment also made similar provisions for survivors of certain inland fisheries and wildlife officers and marine resources officers.

***Enacted law summary***

Public Law 1997, chapter 396 resolves a conflict in current law between the provision that defines “surviving spouse” for the purposes of distribution of survivor benefits on the death of certain state police, inland fisheries and wildlife and marine resources officers and the provisions that govern distribution of those benefits under a qualified domestic relations order. Chapter 396 provides that, when affected by a QDRO, the benefits that would otherwise go to a surviving spouse must be distributed in accordance with the QDRO. Passage of this chapter means that all retirees will be treated similarly with respect to the impact of QDRO in the distribution of post-retirement death benefits.

**LD 1244                      An Act to Clarify Part-time School Week for the Purpose of                      PUBLIC 131**  
**Enforcing Child Labor Laws in the State**

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

LD 1244 proposed to allow a minor to work up to 50 hours during any week that school is in session less than three days and in the first and last week of the school year. It also proposed to define the term "in session" in accordance with the compulsory education requirements.

***Enacted law summary***

Public Law 1997, chapter 131 allows a minor to work up to 50 hours during any week that school is in session less than three days and in the first and last week of the school year. The term "in session" has the same meaning as used in the compulsory education requirements.

**LD 1245                      An Act to Revise the Confidentiality Provisions of the Maine                      PUBLIC 132**  
**Revised Statutes, Title 26**

<u>Sponsor(s)</u> HATCH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
----------------------------	--------------------------------	---------------------------

LD 1245 proposed to allow the Director of the Bureau of Labor Standards to share information with other government agencies to increase the protection of the public welfare and to ensure that bureau enforcement activities are coordinated across all branches of government. The bill also proposed to allow the bureau to release information to the