

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR

MAY 1998

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

1, 1993, experienced total incapacity or partial incapacity that met certain statutory thresholds and had reached the sixth anniversary of the injury.

Senate Amendment "A" to Committee Amendment "A" (S-639) proposed to cap the annual cost-of-living adjustment at three percent per year.

LD 1318 **An Act to Clarify the Application of Law in Workers' Compensation Cases** **PUBLIC 647**

<u>Sponsor(s)</u> HATCH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-907
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LD 1318 was carried over from the First Session. The bill proposed to permit an employee to seek restoration of workers' compensation benefits if the Workers' Compensation Board determines that the effects of a compensable injury have ended and the employee obtains medical information that was not previously known to the parties or litigated before the board.

Committee Amendment "A" (H-907) was the majority report of the Joint Standing Committee on Labor and proposed to replace the bill and change the title. It proposed to overrule the Maine Supreme Judicial Court's decisions in *Ray v. Carland Construction, Inc.* and *Pelletier v. Maine Medical Center*, 703 A.2d 648 (Me. 1997), in which the court ignored the legislative directive in Public Law 1991, chapter 885, Part A, section 10 prohibiting retroactive application of the Workers' Compensation Act of 1992. The amendment proposed to affirmatively state that if an employee suffers a work-related injury that aggravates a prior work-related injury, the portion of the resulting disability that is attributable to the prior injury is governed by the law in effect at the time of that injury.

Enacted law summary

Public Law 1997, chapter 647 overrules the Maine Supreme Judicial Court's decisions in *Ray v. Carland Construction, Inc.* and *Pelletier v. Maine Medical Center*, 703 A.2d 648 (Me. 1997), in which the court ignored the legislative directive in Public Law 1991, chapter 885, Part A, section 10 prohibiting retroactive application of the Workers' Compensation Act of 1992. The law states that if an employee suffers a work-related injury that aggravates a prior work-related injury, the portion of the resulting disability that is attributable to the prior injury is governed by the law in effect at the time of that injury.

LD 1370 **Resolve, to Create Pension Portability for State and Local Government** **ONTP**

<u>Sponsor(s)</u> SAXL M DAGGETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1370 was carried over from the First Session and proposed to establish a commission to study pension portability for public sector employees.