

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R	OTP-AM A OTP-AM B OTP-AM C	H-693

LD 1517 proposed to enhance the Department of Labor's ability to increase its annual collection of unemployment benefit overpayments by permitting wage garnishment through a withholding order and by permitting the offset of lottery winnings.

Committee Amendment "A" (H-693), the majority report of the committee, proposed to clarify that the withholding order may be issued only if the overpayment of unemployment benefits result from nondisclosure or misrepresentation. The amendment proposed to lower from \$500 to \$100 the minimum amount of debt with respect to which a withholding order may be issued. The amendment also clarified the process by which an individual may seek a review of a notice of debt accrued, and proposed a floor of 40 times the federal minimum wage under which withholding may not take the individual's weekly disposable income. The amendment proposed to limit an employee's right of civil action against the employer to a circumstance in which the employer has discharged the employee because of a withholding order.

Committee Amendment "B" (H-694), a minority report of the committee, proposed to allow a withholding order to be issued if the overpayment results from nondisclosure, misrepresentation or erroneous payments. The amendment proposed all of the other changes contained in the majority report and it also proposed to remove the provision of the original bill that allows lottery winnings to be offset to recover unemployment benefit payments owed to the Department of Labor. This amendment was not adopted.

Committee Amendment "C" (H-695) proposed to make the same changes as in the majority report and it also proposed to remove the provision of the original bill that allows lottery winnings to be offset to recover unemployment benefit payments owed to the Department of Labor. This amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 434 enhances the Department of Labor's ability to increase its annual collection of unemployment benefit overpayments by permitting wage garnishment through a withholding order and by permitting the offset of lottery winnings. Under this law, a withholding order may be issued only if the overpayment of unemployment benefits results from nondisclosure or misrepresentation and the amount of debt exceeds \$100. Upon receipt of a withholding order, the employer is required to withhold 10% of gross wages and remit that amount to the Department of Labor. The effect of the garnishment of wages may not cause the individual's weekly disposable income to fall below 40 times the federal minimum wage. The law establishes a procedure for notifying the individual and the employer of the required withholding and limits collections during appeals. It prohibits an employer from discharging the employee because of the wage garnishment and allows an aggrieved employee to bring a civil action in such a case.