

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1999

MEMBERS:

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Sen. Lloyd P. LaFountain, III

Sen. S. Peter Mills

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 September 18, 1999.

directly with the landowner and performs all the work alone, with family members, with others who are covered by a workers' compensation policy or with a partner who does not control that person. The family members, partner and persons covered by policies working with the person who contracts directly with the landowner would also be excluded from the definition of employee. The amendment proposed that persons who are considered employees must be covered by an employer's policy or obtain personal workers' compensation coverage.

The amendment also proposed that a landowner who contracts with a person to harvest forest products would be protected from liability if the landowner obtained from the contractor a certificate of independent status, a predetermination of independent contractor status or a certificate showing that the contractor was insured under a workers' compensation policy. In addition to issuing predeterminations of independent contractor status on a contract-specific basis, the Workers' Compensation Board would be authorized to issue an annual certificate of independent status to a contractor based on similar factors to those examined in issuing the predetermination.

Committee Amendment “B” (S-270), the minority report of the committee, proposed to replace the bill. It provided for an annual predetermination process for persons who harvest forest products and provided for landowner immunity from liability for persons who receive a copy of the harvester’s predetermination. (not adopted)

Enacted law summary

Public Law 1999, chapter 364 specifies that all persons engaged in harvesting forest products are “employees” under the workers' compensation law, except a person who obtains a certificate of independent status or a predetermination of independent contractor status and who contracts directly with the landowner and performs all the work alone, with family members, with others who are covered by a workers' compensation policy or with a partner who does not control that person. The family members, partner and persons covered by policies working with the person who contracts directly with the landowner are also excluded from the definition of employees. Persons who are considered employees must be covered by an employer's policy or obtain personal workers' compensation coverage.

A landowner who contracts with a person to harvest forest products is protected from liability if the landowner obtains from the contractor a certificate of independent status, a predetermination of independent contractor status or a certificate showing that the contractor is insured under a workers' compensation policy. In addition to issuing predeterminations of independent contractor status on a contract-specific basis, the Workers' Compensation Board may issue an annual certificate of independent status to a contractor based on similar factors to those examined in issuing the predetermination.

LD 702

An Act to Revise the Fact-finding Process under the Public Employees Labor Relations Laws

DIED BETWEEN BODIES

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

LD 702 proposed that facts found by unanimous vote of a three member fact-finding panel are binding on the parties in future proceedings under the various public employees labor relations laws, including the law governing municipal, state, judicial and University of Maine System employees.

Committee Amendment “A” (H-352), the minority report of the committee, proposed to clarify the intent of the bill by providing that the unanimous recommendations of the panel are binding, not the findings of fact. (not adopted)