

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
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1999

MEMBERS:

Sen. Neria R. Douglass, Chair

Sen. Lloyd P. LaFountain, III

Sen. S. Peter Mills

Rep. Pamela Henderson Hatch, Chair

Rep. Roland B. Samson

Rep. Zachary E. Matthews

Rep. Roger D. Frechette

Rep. Albion D. Goodwin

Rep. Christopher T. Muse

Rep. Russell P. Treadwell

Rep. Jay MacDougall

Rep. Adam Mack

Rep. Gerald M. Davis

Staff:

Deborah C. Friedman, Principal Analyst

David C. Elliott, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



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 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.

LD 892

An Act to Transfer Responsibilities of the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities to the Statewide Independent Living Council

PUBLIC 58

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

LD 892 proposed to repeal the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities and transfer its responsibilities to the Statewide Independent Living Council administered by the Department of Labor, Bureau of Rehabilitation Services.

This bill was submitted on behalf of the Department of Labor.

Enacted law summary

Public Law 1999, chapter 58 repeals the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities and transfers its responsibilities to the Statewide Independent Living Council administered by the Department of Labor, Bureau of Rehabilitation Services. The purpose of the transfer is to allow recreational opportunities, including indoor recreational activities, to be considered within the broader context of independent living issues.

LD 919

An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON DOUGLASS	OTP-AM MAJ ONTP MIN	H-358

LD 919 proposed to require the State to pay Medicare Part B premiums for state retirees and retired teachers.

Committee Amendment "A" (H-358) proposed to clarify that it is the responsibility of the State to pay the Medicare Part B premiums required in the bill. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

The bill died on the Appropriations Table.

LD 944

An Act to Protect Victims of Crimes in the Workplace

PUBLIC 435

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M CATHCART	OTP-AM MAJ OTP-AM MIN	H-642

LD 944 proposed to make discrimination in employment against victims of domestic violence a violation of the fair employment laws under the Maine Human Rights Act.

Committee Amendment "A" (H-642), the majority report of the committee, proposed to replace the bill. It proposed to allow an employee who is a victim of violent crime or abuse to take leave from work to participate in legal proceedings, obtain medical treatment and tend to other crises created by the violence or abuse. The amendment proposed that the

leave be with or without pay, at the employer’s discretion and that the employer may refuse to grant leave if the employer would sustain undue hardship as a result of the leave, the request for a leave was not communicated to the employer in a timely manner, or the leave was impractical, unreasonable or unnecessary. The amendment proposed to require the Department of Labor to report back to the Labor Committee by December 31, 1999 on workplace safety as it relates to violent crime.

Committee Amendment “B” (H-643), the minority report of the committee, proposed to replace the bill. It proposed to prohibit an employer from discharging or terminating an employee or the employee’s health insurance because the employee takes time off to attend court as a witness in a criminal case involving domestic violence or to obtain a protection from abuse order. It also proposed to require the Department of Labor to include information about workplace violence, including domestic violence, in its safety education and training programs. Finally, it proposed to create a legislative commission to examine the nature and extent of the problem of domestic violence as it relates to the workplace and to make recommendations to the Legislature. (not adopted)

Enacted Law Summary

Public Law 1999, chapter 435 requires employers to grant leave, with or without pay, to an employee who is a victim of violent crime or abuse to enable the employee to participate in legal proceedings, obtain medical treatment and tend to other crises created by the violence or abuse. The employer may refuse to grant leave if the employer would sustain undue hardship as a result of the leave, the request for a leave was not communicated to the employer in a timely manner, or the leave is impractical, unreasonable or unnecessary. The law requires the Department of Labor to report back to the Labor Committee by December 31, 1999 on workplace safety as it relates to violent crime.

**LD 960 An Act to Allow the Bureau of Labor Standards to Assess Administrative PUBLIC 181
Civil Money Penalties for Labor Law Violations**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	OTP-AM	H-261 H-327 CAMERON

LD 960 proposed to allow the Director of Labor Standards to assess civil money penalties of up to \$1,000 for violation of employment and child labor laws and up to \$500 for failure to respond to surveys or questions proposed by the director under statutory authority. The bill also proposed to require the director to establish rules that include an appeal procedure and a structure for determining the level of penalty.

This bill was submitted on behalf of the Department of Labor.

Committee Amendment "A" (H-261) proposed to limit the amount of the forfeiture that the Director of the Bureau of Labor Standards may assess to \$1,000 or the amount provided in law or rule for the specific violation, whichever is less. It also proposed to lower the maximum forfeiture assessed for failure to respond to a survey to \$50 and to clarify that the \$50 penalty relates to failure to provide information relating to determination of the prevailing wage and benefits. The amendment also proposed to classify rules to implement the assessment of forfeitures as major substantive rules.

House Amendment "A" to Committee Amendment "A" (H-327) proposed to correct a section number designation.

Enacted law summary

Public Law 1999, chapter 181 allows the Director of the Bureau of Labor Standards to assess a civil forfeiture for violation of employment and child labor laws. The amount of the forfeiture may not exceed \$1,000 or the amount allowed as a penalty for the specific violation, whichever is less. The law also requires the director to adopt rules governing administration of the penalty, including a right to appeal the penalty and a range of penalties taking into consideration the size of the employer’s business, the good faith and prior history of the employer, and the gravity of the