

# 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:***

*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*

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*Rep. Russell P. Treadwell*

*Rep. Jay MacDougall*

*Rep. Adam Mack*

*Rep. Gerald M. Davis*

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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](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  
*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.

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 Civil Money Penalties for Labor Law Violations**

**PUBLIC 181**

<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

violation. It also provides for a forfeiture of up to \$50 for failure to provide information requested by the department for the purpose of determining the prevailing wage and benefits.

**LD 987**                      **An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies**                      **CARRIED OVER**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 987 proposes to allow teachers and public employers to include educational policy issues in their negotiations for a collective bargaining agreement. It provides that the parties are not required to negotiate on those issues, but provides that educational policy issues agreed to by the parties and included in the collective bargaining agreement would be enforceable. It also proposes to rewrite the section of law relating to these issues to clarify language.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

**LD 995**                      **Resolve, Directing the Maine State Retirement System to Provide Each Member with a Statement of Account No Later Than December 31, 1999**                      **ONTP**

<u>Sponsor(s)</u> HARRIMAN BERRY R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 995 proposed that the Maine State Retirement System prepare and deliver before December 31, 1999 a member's statement of account to every vested and nonvested member of the system stating the member's contributions and benefits accrued at the date of the statement. The resolve would have directed the Maine State Retirement System to prepare each member's statement of account on a date as close to December 31, 1999 as practical that still allows for the statements to be delivered before a possible computer disruption on January 1, 2000. The issue raised by the bill will be considered with LD 1091 which has been carried over to next session.

**LD 1016**                      **An Act to Require That a Translator Be Available to Employees In the Workers' Compensation Process**                      **PUBLIC 202**

<u>Sponsor(s)</u> HATCH MILLS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-262
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LD 1016 proposed to require the Workers' Compensation Board to provide or pay the cost of an interpreter during workers' compensation proceedings for an employee who is not fluent in English. It also proposed to require the board to share the services of interpreters in the Department of Labor to the extent possible.

**Committee Amendment "A" (H-262)** proposed to direct the Workers' Compensation Board to seek advice in locating interpreters from the Department of Labor, rather than requiring the board to use interpreters employed by the department.

*Enacted law summary*