

# 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*

*Rep. Pamela Henderson Hatch, Chair*

*Rep. Roland B. Samson*

*Rep. Zachary E. Matthews*

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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.

Public Law 1999, chapter 202 requires 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 directs the board to seek advice from the Department of Labor in locating interpreters.

**LD 1017**                      **An Act to Ensure That Funds Received from Penalties Due to Lack of Workers' Compensation Coverage Go to the Workers' Compensation Board**                      **ONTP**

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

LD 1017 proposed to require that penalties paid by employers for failure to secure workers' compensation coverage be paid to the Workers' Compensation Board Administrative Fund, to be used to reimburse an employee for mileage incurred to undergo a medical examination required by an employer or the employer's insurer.

**LD 1018**                      **An Act to Amend the Prevailing Wage Laws**                      **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH RUHLIN	ONTP      MAJ OTP      MIN	

LD 1018 proposed to require contractors subject to the prevailing wage laws to keep payroll records on the work site and to make the records available to labor department officials and the public to enable them to oversee compliance with the prevailing wage law.

**LD 1019**                      **An Act to Limit Mandatory Overtime**                      **CARRIED OVER**

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

LD 1019 proposes to limit mandatory overtime to 40 overtime hours in a 2-week period. The bill proposes to define overtime as any time over 8 hours in a day and any time over 40 hours in a week.

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

**LD 1033**                      **An Act to Allow Former Employees of Head Start Credit in the Maine State Retirement System**                      **PUBLIC 250**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES	OTP-AM	H-360

LD 1033 proposed to authorize state employee and teacher members of the Maine State Retirement System who formerly were employed by a Head Start program to purchase up to four years of service credit for that employment to be used in calculating retirement benefits.

**Committee Amendment "A" (H-360)** proposed to reduce from four to two years the amount of service credit for prior service that may be purchased by former Head Start employees under the provisions of the bill.

***Enacted law summary***

Public Law 1999, chapter 250 authorizes state employee and teacher members of the Maine State Retirement System who formerly were employed by a Head Start program to purchase up to two years of service credit for that employment to be used in calculating retirement benefits.

**LD 1046**

**An Act to Prohibit the Employment of Professional Strikebreakers**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON DOUGLASS	OTP-AM MAJ ONTP MIN	H-484

LD 1046 proposed to prohibit a company or organization from recruiting or employing replacement workers during a labor dispute if the company or organization has been involved in recruiting or hiring 100 or more such strikebreakers on at least 3 occasions within the previous 5 years. The bill proposed to allow the prohibition to be enforced through a civil action filed by any interested party. The employment of replacement workers as security guards or as maintenance workers would be exempt from the prohibition, as would the employment of permanent employees who choose to work during a strike.

The bill also proposed to repeal the fine and imprisonment penalty under current law for employing during a strike a person who customarily and repeatedly offers services in place of a striking worker.

**Committee Amendment "A" (H-484)** proposed to change the prohibition on professional strikebreaking activity to apply to a person who has supplied 10 or more strikebreakers on 2 or more occasions within the previous 20 years. It also proposed to allow for the recovery of attorney's fees and penalties for the prevailing plaintiff. Finally, it proposed to exempt activities necessary to prevent continuing substantial adverse impact on the employer.

**LD 1047**

**An Act to Increase the Penalty for Failure to Secure Workers' Compensation Insurance**

**ONTP**

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

LD 1047 proposed to amend the workers' compensation laws to add a penalty for failure to procure workers' compensation insurance, in an amount equal to twice the amount it would have cost the employer to procure the insurance. This penalty would be paid to the Employment Rehabilitation Fund.