

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1999

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Sen. Lloyd P. LaFountain, III

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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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-241
	ONTP MIN	

LD 1067 proposed several changes to workers' compensation law. It proposed to increase the salary range for Workers' Compensation Board deputy directors from range 82 to 85 and to remove the job titles currently contained in the statutes. The bill also proposed to repeal the provision that reduces death benefits payable to dependents who are aliens residing outside the United States or Canada. The bill also proposed to define audit working papers and provide that they are confidential.

The bill proposed to require the filing of a wage statement within 30 days after an employer has notice or knowledge of a claim for incapacity benefits. This bill proposed that a case in which a request for an order has been ruled upon by a hearing officer may not be referred to mediation, but must remain with the hearing officer to be scheduled for a hearing.

The bill proposed to provide a basic 2-year statute of limitations for workers' compensation actions and also provide that the payment of benefits, either with or without prejudice, extends the statute of limitations to 6 years after the last payment. It also proposed to provide a 6-year statute of limitations in cases when the occurrence of a work-related injury is established by board decree, mediation report or agreement of the parties, even if no benefits are paid.

The bill proposed to increase the fine for not securing required workers' compensation coverage to ensure that it is more expensive to be fined for not having coverage than it is to secure workers' compensation coverage. This bill proposed to eliminate Bureau of Insurance arbitration proceedings and places jurisdiction over apportionment issues with the Workers' Compensation Board, thus allowing hearing officers to decide these issues.

This bill was submitted on behalf of the Workers' Compensation Board.

Committee Amendment "A" (S-241) proposed to place the job titles of the current Workers' Compensation Board deputy directors in statute in addition to raising their salary range to 85. It also proposed to delete a section of the bill relating to death benefit payments, since that section is included in a separate legislative document.

It proposed to rewrite the provision relating to the time for filing petitions to clarify current law and make that clarification applicable to injuries occurring on or after January 1, 1993. The amendment also proposed to ensure that certain information supporting the conclusions of an audit would become public along with the final audit report.

Enacted law summary

Public Law 1999, chapter 354 was submitted on behalf of the Workers' Compensation Board. It increases the salary range for deputy directors of the Workers' Compensation Board from range 82 to 85. The law also defines audit working papers and provides that they are confidential, but provides that supporting documents become public when the final report becomes public. The law requires the filing of a wage statement within 30 days after an employer has notice or knowledge of a claim for incapacity benefits pursuant to Title 39-A, section 212, 213 or 215, unless a wage statement has previously been filed.

This law provides that cases in which a request for an order has been ruled upon may not be referred to mediation, but must remain with the hearing officer to be scheduled for a hearing. The law increases the fine for not securing required workers' compensation coverage to ensure that it is more expensive to be fined for not having coverage than it is to secure workers' compensation coverage. This law eliminates Bureau of Insurance arbitration proceedings and places jurisdiction over apportionment issues

with the Workers' Compensation Board, thus allowing hearing officers to decide these issues.

LD 1091 **An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit** **CARRIED OVER**

<u>Sponsor(s)</u> MCKEE DAGGETT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1091 proposes that annual payments for purchase of service credits by members of the Maine State Retirement System may be made either by a single yearly payment or by periodic payments through payroll deduction. Service credits may also be purchased by a single lump-sum, which is unaffected by this bill.

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

LD 1117 **An Act to Repeal Bedding, Upholstered Furniture and Stuffed Toys Laws** **INDEF PP**

<u>Sponsor(s)</u> HATCH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1117 proposed to repeal the state bedding, upholstered furniture and stuffed toys laws.

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

LD 1133 **An Act to Reward Academic Excellence for Students Who are 16 and 17 Years of Age** **ONTP**

<u>Sponsor(s)</u> COLWELL CAREY		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 1133 proposed to increase the number of hours a minor may work when school is in session from 20 hours to 30 hours per week, if the minor maintains a grade average of 80% or better. The bill also proposed to increase the hours a minor may work on a school day from four to six hours and decrease the hours per day when not in school from 10 to eight hours.

Committee Amendment “A” (H-404), the minority report of the committee, proposed to remove the section of the bill that lowers the number of hours a student may work per day when not in school. (not adopted)