

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.

Senate Amendment "A" to Committee Amendment "A" (S-319) proposed to refine further the description of an author who would not be covered by unemployment compensation contributions or benefits by providing specific criteria that must be met.

Enacted Law Summary

Public Law 1999, chapter 389 amends the unemployment compensation law to exclude an author, such as a freelance journalist, from the definition of "employee" if the author furnishes material to a publisher who does not control the author's work or time, does not furnish an office or equipment, pays only for material accepted for publication and does not restrict the author from publishing elsewhere. It also excludes from the definition of employee certain foreign agricultural workers who are working in the United States under a federal program.

LD 1237 An Act to Protect the Right of Employees to Freely Decide Whether to Support Labor Organizations ONTP

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

LD 1237 proposed to prohibit employers from imposing union membership or dues payment as a condition of employment and to prohibit employers from withholding union dues from an employee's paycheck without written authorization from the employee.

Committee Amendment "A" (H-501), the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (not adopted)

LD 1246 An Act to Protect the Rights of Judicial Employees CARRIED OVER

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

LD 1246 proposes to include employees of the judicial department who have been employed for at least 6 months in the definition of "judicial employee" for purposes of the Judicial Employees Labor Relations Act, regardless of whether the employee was hired within the standard state personnel system.

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

LD 1262 An Act to Increase the Minimum Wage in Maine CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE		
ROWE		

LD 1262 proposes to raise the minimum wage to \$5.65 per hour beginning January 1, 2000 and to \$6.15 per hour beginning January 1, 2001.

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

LD 1350 **An Act to Exclude Intentional Tort Claims from the Application of the
Maine Workers' Compensation Act of 1992** **ONTP**

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

LD 1350 proposed to allow an employee to pursue an action outside of the workers' compensation law for injuries arising out of an intentional act against that employee.

LD 1351 **An Act to Require that Members of the Workers' Compensation Board
be Subject to Review by the Joint Standing Committee on Labor** **ONTP**

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

LD 1351 proposed that review of gubernatorial nominations to the Workers' Compensation Board be performed by the Joint Standing Committee on Labor instead of by the Joint Standing Committee on State and Local Government, as required by current law. This bill was reported out of the Labor Committee with a divided report, then referred to the Joint Standing Committee on State and Local Government, which voted that the bill ought not to pass.

LD 1352 **An Act to Ensure that Workers' Compensation Death Benefits are Paid
to Dependents Without Regard to Country of Residence** **PUBLIC 201**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM	H-263

LD 1352 proposed to prohibit reduction of workers' compensation benefits payable to an employee because the employee is not a United States citizen.

Committee Amendment "A" (H-263) proposed to repeal the law that reduces death benefits payable to dependents of employees who die due to workplace injuries when those dependents are aliens who live outside the United States or Canada. The amendment also proposed to make the change retroactive to June 1, 1998.

Enacted law summary

Public Law 1999, chapter 201 repeals the law that reduces death benefits payable to dependents of employees who die due to workplace injuries when those dependents are aliens who live outside the United States or Canada. The change is effective retroactive to June 1, 1998.