

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**SECOND REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LABOR**

**JULY 2000**

**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  
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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**SECOND REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing Committees**  
**July 2000**

We are pleased to provide this summary of 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:

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  
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote  
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote  
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote  
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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

*David E. Boulter, Director*  
Offices Located in the State House, Rooms 101 & 107

LD 1927

**An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law**

INDEF PP

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

LD 1927 proposed to allow a person to receive dislocated worker benefits to provide extended benefits to enable the person to complete a training or educational program following a layoff. Benefits would be paid only after the person exhausted unemployment compensation and federal Trade Act benefits, and only if the person used up some of the 26 weeks of unemployment compensation to which the person is entitled during intermittent periods of layoff before being completely laid off and available for training or education programs. The bill also proposed to require the Department of Labor to make eligibility determinations for workers who apply to participate in training programs under the federal Trade Act within 20 days of the date of the worker's application, or earlier if needed to allow the person to enroll in an educational institution or training program.

**Committee Amendment "A" (S-569)** proposed to replace the bill. It proposed to create a fund within the Department of Labor to provide weekly benefits to workers who used up some of their unemployment compensation benefits before being finally laid off, rather than paying those benefits out of the Unemployment Compensation Fund as proposed in the bill.

LD 1988

**An Act to Provide for Benefits to Surviving Dependents of Employees Who Die as a Result of Work Injuries**

ONTP

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

LD 1988 proposed to remove the 500-week cap on death benefits payable to the surviving dependents of an employee who dies as a result of workplace injuries. It also proposed an annual adjustment of the weekly benefit so that the benefit would be the same percentage of the state's average weekly wage as it was at the time of the employee's injury.

**LD 1989**

**An Act to Amend Binding Arbitration to Include Salaries, Pensions and Insurance for State, Legislative and Municipal Employees and to Provide a Process for Voting when a Public Employer's Last Offer is Not Selected**

**DIED IN CONCURRENCE**

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

LD 1989 proposed to allow binding arbitration of matters relating to salary, pensions and insurance for state, legislative and municipal employees. It also proposed a process for sending the arbitrators' determination to municipal voters or the Legislature for approval, when the arbitrators do not select the last best offer of the municipality or Legislature.

**LD 1995                      An Act to Clarify the Workers' Compensation Laws Regarding the                      PUBLIC 610**  
**Agricultural Laborer Exemption**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH KILKELLY	OTP-AM	H-857

LD 1995 proposed to clarify the exemption in workers' compensation law for agricultural and aquacultural laborers by specifying that an employer who has employed more than 6 laborers for 240 man hours or more per week is not entitled to the exemption.

**Committee Amendment "A" (H-857)** proposed to replace the bill. It proposed to rewrite the paragraph relating to the agricultural exemption to clarify it. As amended, the law would exempt employers of agricultural or aquacultural employees if they employ 6 or fewer such laborers or they employ more than 6 but the total number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 in any week during the year prior to an injury.

***Enacted law summary***

Public Law 1999, chapter 610 revises the provision of law exempting certain agricultural employees from the workers' compensation law. It provides that employers of agricultural or aquacultural employees are exempt from the requirement to provide workers' compensation coverage if they employ 6 or fewer such laborers or they employ more than 6 but the total number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 in any week during the year prior to an injury.

**LD 2075                      An Act to Amend the Maine Workers' Compensation Act of 1992 as DIED BETWEEN                      BODIES**  
**it Pertains to Occupational Health**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER DOUGLASS	OTP-AM    MAJ ONTP        MIN	H-1034

LD 2075 proposed to allow a person suffering from an occupational disease to recover under the occupational disease law for diseases caused by exposure to one or more of 30 chemicals and metals listed in the bill, regardless of when incapacity from the disease occurred. Under current law, a worker is entitled to benefits under the occupational disease law only if the worker becomes incapacitated within 3 years of the last exposure to the disease-causing element, with some exceptions. It also proposed to extend the notice period from 90 days to 180 days, make all employers in whose employment the worker was exposed liable for the disease, require appointment of impartial physicians in all occupational disease cases, and eliminate apportionment in cases where non-employment causes contributed to the incapacity.