

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

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.

LD 2075 **An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health** **CARRIED OVER**

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

LD 2075 proposes to amend the occupational disease law to require the Workers' Compensation Board to appoint an impartial physician to each occupational disease claims case, extend liability to all employers under which a person was exposed to a substance that causes an occupational disease and to extend the deadline for filing a claim from 90 to 180 days after the occupational disease injury. It also proposes to permit a person to seek compensation for a disease caused by exposure to a variety of chemicals and metals and to remove the 3-year statute of limitations for diseases that occur as a result of exposure to chemicals or metals.

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

LD 2076 **An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance** **CARRIED OVER**

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

LD 2076 proposes to move the responsibility for monitoring, auditing and enforcement of the workers' compensation system from the Workers' Compensation Board to the Bureau of Insurance.

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

LD 2100 **An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases** **PUBLIC 410**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS MACDOUGALL	OTP-AM	S-268

LD 2100 proposed to give the Workers' Compensation Board advocates authority to decline or cease assistance to employees under certain circumstances, such as cases in which the statute of limitations has run, essential evidence was missing or under circumstances specified by the Board by rule. The bill also proposed to allow an employee for whom representation ceased or was declined to appeal the decision to the executive director of the board within 30 days.

Committee Amendment "A" (S-268) proposed to require written staff attorney approval for advocates to decline representation or present lump-sum settlements on cases. The amendment also proposed to allow hearing officers to find that an employer's refusal to pay benefits was not based on any rational grounds and to provide for a 25% rate of interest in those cases from the date each payment was due, as determined by the hearing officer.

Enacted law summary

Public Law 1999, chapter 410 authorizes Workers' Compensation Board advocates to decline or cease assistance to employees under certain circumstances, if the staff attorney approves. Reasons for declining or ceasing representation include lack of essential evidence, running of the statute of limitations, and other reasons that may be specified by Board rule. It allows the employee to appeal the decision to the executive director of the board within 30 days. It also allows hearing officers to find that an employer's refusal to pay benefits was not based on any rational grounds and provides for a 25% rate of interest in those cases from the date each payment was due, as determined by the hearing officer.

LD 2104 An Act to Provide Equity for Unemployment Compensation CARRIED OVER

<u>Sponsor(s)</u> KILKELLY RINES		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2104 proposes to repeal the law that requires unemployment compensation benefits to be reduced for a person who receives a social security pension based on that person's own work history.

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

LD 2124 An Act to Change the State Retirement System from a Defined Benefit Plan to a Defined Contribution Plan CARRIED OVER

<u>Sponsor(s)</u> MACK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2124 proposes to establish a defined contribution retirement plan for state employees and teachers hired on or after July 1, 2000. Active employees on July 1, 2000 have a choice of remaining in the current Maine State Retirement System's defined benefit retirement plan or joining the new plan. Under the defined contribution plan, the employer matches the employee's contribution of 6% of salary. The employee exercises sole authority over selection and management of investment options meeting Internal Revenue Code, Section 401(k) requirements.

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

LD 2147 An Act to Ensure Just Cause Termination in Employment CARRIED OVER

<u>Sponsor(s)</u> BRYANT CAREY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 2147 proposes to prohibit a private employer from terminating the employment of a person without just cause, unless the person has agreed to waive that prohibition in return for an agreement to make a severance payment of a specified amount. The bill proposes to allow an aggrieved employee to seek remedies for wrongful termination through a civil action.

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