

# 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*  
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-650
	OTP-AM MIN	S-711 LAFOUNTAIN

LD 2588 proposed to establish a method of determining the total amount of contributions needed from employers to maintain the solvency of the Unemployment Compensation Fund. It also proposed to prohibit the Legislature from amending the unemployment compensation law in a way that increases costs without modifying employer contributions to pay for those costs. The bill was submitted in response to Public Law 1999, chapter 464, which directed the Department of Labor to report a method for setting planned yield rates for the Unemployment Compensation Fund.

**Committee Amendment "A" (S-650)**, the majority report of the committee, proposed to replace the bill. It proposed to remove the language in the bill requiring that benefit increase legislation include modifications to employer contributions to offset the increased costs of the benefit increase. Instead, it proposed to require the Department of Labor to conduct a study of benefit change proposals and to report to the Legislature before such a benefit change is enacted. The amendment proposed to repeal this provision in March of 2002.

The amendment also proposed to adopt the table for setting a planned yield that caps the fund at 24 months of benefits, but to provide that the table is effective only for calendar year 2001, after which the planned yield would revert to 1.1%.

**Committee Amendment "B" (S-651)**, the minority report of the committee, proposed to replace the bill. It proposed to remove the language in the bill requiring that benefit increase legislation include modifications to employer contributions to offset the increased costs of the benefit increase. Instead, it proposed to require the Department of Labor to conduct a study of benefit change proposals and to report to the Legislature before such a benefit change is enacted. It also proposed to limit the Unemployment Compensation Trust Fund to 18 months of benefits instead of 24 as provided in the bill.

**Senate Amendment "C" to Committee Amendment "A" (S-711 )** proposed to change the requirement that benefit change proposals be studied by the Department of Labor. It proposed to require that the study be conducted before the public hearing on the bill and changed the content of the study. It also proposed to remove the repeal of the study requirement. It proposed to remove the provision that limits use of the table for determining planned yield to the calendar year 2001 and to provide a table that caps the Unemployment Compensation Fund at between 20 and 21 months of benefits.

***Enacted law summary***

Public Law 1999, chapter 740 provides a method for determining the total amount that employers must contribute to the unemployment compensation fund each year, based on the number of months of benefits that could be paid by the fund at the time the determination is made. The total amount, known as the “planned yield”, is expressed as a percent of total wages paid in Maine for employment covered by the unemployment compensation law. The planned yield is determined by a table, which is designed to cap the fund at between 20 and 21 months of benefits. The law also requires that any legislative measure proposing to change unemployment compensation benefits be reviewed and evaluated by the Department of

Labor before the public hearing on the proposal. The department must report its findings on matters including the impact of the proposed change on total costs, employer contributions, and recipient groups to the legislative committee considering the proposal.

**LD 2590**

**Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor**

**RESOLVE 108  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 2590 proposed to allow the Department of Labor to finally adopt a rule governing the calculation of administrative civil money penalties for labor law violations.

***Enacted law summary***

Resolve 1999, chapter 108 authorizes the Department of Labor to finally adopt a rule governing administrative civil money penalties for labor law violations. The rule includes a formula for determining the amount of a penalty, based on gravity of the violation, the employer's size and history of previous violations, and the absence or presence of good faith on the part of the employer.

Resolve 1999, chapter 108 was finally passed enacted as an emergency measure effective April 10, 2000.

**LD 2613**

**An Act to Clarify Application of the Employment Leave Law for Victims of Violence**

**PUBLIC 659**

Sponsor(s)  
HATCH  
DOUGLASS

Committee Report  
OTP

Amendments Adopted

LD 2613 proposed to amend the law requiring employers to give employees who are the victims of violence time off from work to pursue legal protection, legal remedies and medical care and to attend to other needs created by the violence. The bill proposed to add an application section specifying that the law applies to all public and private employers and to remove the law from the subchapter governing family medical leave.

***Enacted law summary***

Public Law 1999, chapter 659 provides that the employment leave law for victims of violence applies to all employers, not just to employers covered by the family medical leave law.