

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Labor*

August 2001

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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
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Joint Standing Committee on Labor

Enacted law summary

Public Law 2001, chapter 304 designates the first Tuesday in April as Equal Pay Day and requires the Department of Labor to annually report the progress made in achieving equal pay to the Legislature's committee on labor.

LD 499

An Act to Clarify the Qualifications for Health Care Providers Conducting Employer-requested Examinations

PUBLIC 278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ	S-111
JACOBS	ONTP MIN	

LD 499 proposed to amend the workers' compensation law relating to a "second opinion" examination, which is an examination of an injured worker by a health care provider chosen by the employer, when the employee is otherwise being treated by his or her own health care provider. Current law requires that such an examination be performed by a provider with an active practice of treating patients, or a provider that had an active practice within 2 years of the examination. "Active practice" may be demonstrated by having treating privileges at a hospital.

LD 499 proposed to limit employers to one second-opinion examination and to allow active practice to be demonstrated by spending at least 50% of the provider's time treating patients. It also proposed to ensure that employees and their health care providers are informed of information used in the examination and the results of the examination.

Committee Amendment "A" (S-111) proposed to remove from the bill the language limiting employers to a single 2nd opinion and the language prohibiting physicians from relying on information acquired after examination of the patient in preparing the medical opinion. It also proposed to repeal current law allowing a physician, surgeon or chiropractor to conduct a 2nd-opinion examination if that provider discontinued active practice within 2 years of the exam. It proposed to remove the provision requiring 50% of a provider's time to be spent on treating patients and provide that a person may use hospital privileges to demonstrate that the person has an active practice of treating patients only if the privileges are active clinical privileges. Finally, it proposed to require a health care provider conducting a 2nd-opinion examination to give a copy of the results to the employee's health care provider only if the employee requests that it be given to the provider.

Enacted law summary

Public Law 2001, chapter 278 amends the workers' compensation law relating to a "second-opinion examination," which is an examination of an injured worker by a health care provider chosen by the employer, when the employee is otherwise being treated by his or her own health care provider. Current law requires that such an examination be performed by a provider with an active practice of treating patients, or a provider that had an active practice within 2 years of the examination. "Active practice" may be demonstrated by having treating privileges at a hospital.

Public Law 2001, chapter 278 repeals the provision allowing providers who do not have an active practice at the time of the examination to conduct second-opinion examinations and provides that hospital privileges may be used to demonstrate an active practice only if those privileges are active clinical privileges. Chapter 278 also requires the second-opinion provider to inform the employee of all records and communications the provider has available in

Joint Standing Committee on Labor

conducting the exam, to advise the employee and the employee's provider of the scope and purpose of the exam, and to provide the same report that the provider sends to the employer to the employee and, if the employee requests, to the employee's health care provider.

LD 511

An Act to Provide an Opportunity for Minors Under 16 Years of Age to Work in Nonprofit Moving Image Archives

PUBLIC 43

Sponsor(s)
ROSEN

Committee Report
OTP-AM

Amendments Adopted
H-35

Under current law, a minor under 16 years of age may not work in any theater or moving picture house. LD 511 proposed to specifically exempt from that prohibition nonprofit moving image archives and nonprofit community theaters.

Committee Amendment "A" (H-35) proposed to remove the language proposing to allow minors under 16 years of age to work in any nonprofit community theater and instead proposes to allow minors under 16 years of age to work in nonprofit educational film archives and theaters associated with those archives.

Enacted law summary

Under current law, a minor under 16 years of age may not work in any theater or moving picture house. Public Law 2001, chapter 43 specifically exempts from that prohibition nonprofit educational film archives and theaters associated with those archives.

LD 513

An Act to Permit Grievance Mediation by the Panel of Mediators

**PUBLIC 92
EMERGENCY**

Sponsor(s)
DUPLESSIE
MILLS

Committee Report
OTP-AM

Amendments Adopted
H-120

LD 513 proposed to authorize the Panel of Mediators to attempt to resolve disputes concerning the meaning of public sector collective bargaining agreements through grievance mediation when the public employer and the bargaining agent agree to use that process. The bill also proposed to provide that collective bargaining proposals to include grievance mediation as a required step in the grievance resolution process would be a permissive, rather than a mandatory, subject of bargaining.

Committee Amendment "A" (H-120) proposed to add an emergency preamble and emergency clause, a fiscal note and an allocation section to the bill. The allocation would enable the Maine Labor Relations Board to use fees paid by participants in mediation to fund the Panel of Mediators.

Enacted law summary