

# 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](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:

*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

Public Law 2001, chapter 92 authorizes the Panel of Mediators to attempt to resolve disputes concerning the meaning of collective bargaining agreements through grievance mediation when the public employer and the bargaining agent agree to use that process. The law also provides that such use of grievance mediation is a permissive, rather than a mandatory, subject of bargaining.

Public Law 2001, chapter 92 was enacted as an emergency measure effective May 8, 2001.

**LD 534**

### **An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits**

**PUBLIC 103**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH EDMONDS	OTP-AM	H-109

Current law prohibits employers from delaying or refusing payment of health or disability benefits due an employee because the employee filed a workers' compensation claim based on the same injury or disease. LD 534 proposed to extend that prohibition to 3rd-party insurers.

**Committee Amendment "A" (H-109)** proposed to rewrite the language of the bill to clarify that provisional payments are required only from insurers under disability and medical insurance policies, not from all 3rd-party insurers. The amendment proposed to prohibit the delay or refusal of provisional payments from a disability or medical insurance policy, regardless of whether the person seeking payment is covered under the employer's policies or those of another person such as a spouse or the spouse's employer.

#### ***Enacted law summary***

Current law prohibits an employer from delaying or refusing payment of provisional benefits under an insured disability or medical plan on the grounds that the employee has filed a workers' compensation claim for the same injury or disease for which coverage is claimed under the disability or medical plan. This law has been interpreted to apply only when the disability or medical payment policy is held by the employer. Public Law 2001, chapter 103 expands the provision to prohibit any person from delaying or refusing to make provisional payments under a disability or medical insurance policy because of the filing of a workers' compensation claim, regardless of whether the person seeking payment is covered under the policy held by that person's employer or under any other such policy, including policies held by a spouse or the spouse's employer. Provisional payments may be recovered from the employee if it is later determined that workers' compensation coverage applies.

**LD 536**

### **An Act to Define and Revise Noncompete Employment Contracts**

**CARRIED OVER**

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

## Joint Standing Committee on Labor

LD 536 is a concept draft that proposed to define noncomplete employment contracts and to provide reasonable standards for their use.

LD 536 has been carried over to the Second Regular Session.

**LD 538**                      **An Act to Require a Recommendation from a Physician Before  
Being Eligible for Disability Benefits**                      **ONTP**

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

LD 538 proposed to amend the law relating to disability benefits under the Maine State Retirement System to require that a person receive a written finding of disability from a physician in order to receive disability benefits.

**LD 544**                      **An Act to Eliminate Unnecessary Paperwork for Wage-hour  
Compliance**                      **PUBLIC 336**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL DAVIS P	OTP-AM    MAJ ONTP        MIN	H-114

LD 544 proposed to exempt automobile body shop technicians and automobile service writers who are paid on an incentive basis rather than an hourly rate from the law requiring payment of time-and-a-half for overtime.

**Committee Amendment "A" (H-114)** proposed to replace the bill. Instead of adding 2 new categories of workers to the list of employees exempt from the overtime law, the amendment proposed to require the Department of Labor to interpret the current exempt categories in a manner consistent with the exemptions under federal law. Federal law exempts employees with the same title as state law, but the federal interpretation covers more types of employees and may cover at least some of the employees who would have been exempted by the bill.

### *Enacted law summary*

Public Law 2001, chapter 336 requires the Department of Labor to follow federal interpretation of comparable terms when determining whether automobile mechanics, parts clerks and salesmen are exempt from the state law requiring payment of time-and-a-half for overtime hours.