

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Labor*

August 2001

Staff:

*Deborah C. Friedman, Senior Analyst
David C. Elliott, Principal Analyst*

*Office of Policy and Legal Analysis
13 State House Station
Augusta, ME 04333
(207) 287-1670*

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Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

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
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Labor

LD 1039 **An Act to Change the Compensation of the Panel of Mediators** **ONTP**

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

LD 1039 proposed to change the compensation for the panel of mediators from \$100 to \$200 for up to 4 hours of mediation services.

LD 1051 **Resolve, Directing the Maine State Retirement System to Report on the Establishment of a Universal Special Retirement Plan for Law Enforcement Officers** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P LESSARD	ONTP	

LD 1051 proposed to direct the Maine State Retirement System to report to the Joint Standing Committee on Labor on the establishment a universal special retirement plan for all levels of government law enforcement officers. The committee would have been authorized to introduce related legislation in the Second Regular Session of the 120th Legislature.

LD 1065 **An Act to Amend the Membership of the Workers' Compensation Board** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL	ONTP MAJ OTP MIN	

LD 1065 proposed to change the membership of the Workers' Compensation Board by requiring that 2 of the 4 labor representatives on the board must be selected by the Governor from the labor population at large and may not be representatives of any labor organization or association of employees.

LD 1082 **An Act to Amend the State's Overtime Law** **PUBLIC 401**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MATTHEWS	OTP-AM MAJ ONTP MIN	S-323 PENDLETON

Joint Standing Committee on Labor

LD 1082 proposed to prevent a licensed nurse or other health care worker who provides direct care to patients from being disciplined for refusing to accept overtime work.

Committee Amendment "A" (S-114) proposed to rewrite the bill to clarify the circumstances under which a nurse or other health care worker is protected from discipline for refusing to work overtime. The nurse or other health care worker would be protected from discipline if the refusal to work overtime is based on that person's determination, in the exercise of professional judgment, that he or she may not be able to provide quality care to patients during those overtime hours because of fatigue or other factors. This protection would apply even if the person had worked fewer than the limit on overtime hours allowed under the law, but it would not apply when overtime is mandated because of an emergency declared by the Governor or when overtime is necessary to protect public health or safety and is outside the normal course of business. The committee amendment was replaced by Senate Amendment "A" (S-323).

Senate Amendment "A" (S-323) proposed to replace the bill and the committee amendment. It proposed to prohibit an employer from disciplining a nurse for refusing to work more than 12 consecutive hours, unless an unforeseen emergent circumstance occurs and the overtime is required as a last resort to ensure patient safety. If overtime is required in such a circumstance, the nurse must be given at least 10 consecutive hours off duty immediately following the overtime. This provision would not apply in an emergency declared by the Governor, or when necessary to protect the public health or safety outside the normal course of business.

Enacted law summary

Public Law 2001, chapter 401 amends the law limiting mandatory overtime, which prohibits employers from requiring more than 80 hours of overtime in a 2-week period. Chapter 401 provides that, in addition to the 80-hour limit, a nurse may not be disciplined for refusing to work more than 12 consecutive hours, unless an unforeseen emergent circumstance occurs and the overtime is required as a last resort to ensure patient safety. If overtime is required in such a circumstance, the nurse must be given at least 10 consecutive hours off duty immediately following the overtime. This provision does not apply in an emergency declared by the Governor, or when necessary to protect the public health or safety outside the normal course of business.

LD 1086

An Act to Improve Limits on Mandatory Overtime

**DIED BETWEEN
BODIES**

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

LD 1086 proposed to limit the amount of mandatory overtime to 60 hours of overtime in any consecutive 2-week period.