

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Labor*

May 2002

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*

Members:

*Sen. Betheda G. Edmonds, Chair
Sen. Karl W. Turner
Sen. W. Tom Sawyer, Jr.*

*Rep. George H. Bunker, Jr., Chair
Rep. Zachary E. Matthews
Rep. Deborah J. Hutton
Rep. Jacqueline R. Norton
Rep. William J. Smith
Rep. Frank J. Tarazewich
Rep. Russell P. Treadwell
Rep. Jay MacDougall
Rep. Gerald M. Davis
Rep. Philip Cressey, Jr.*



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
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

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 arranged alphabetically by committee name 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:

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
PASSED	Joint Order passed in both bodies
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 July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Labor

Committee Amendment "A" (H-999) proposed to amend the law retroactive to January 1, 1995 to exempt certain drivers and driver's helpers from the overtime law. It also proposed to amend the law effective September 1, 2003 to exempt certain drivers and driver's helpers only if they are paid wages equivalent to overtime pay wages. The amendment proposed to exempt cases pending on March 20, 2002 from the retroactive changes.

Enacted law summary

Public Law 2001, chapter 628 provides, retroactive to January 1, 1995, that interstate truck drivers and driver's helpers whose hours are regulated by the federal Motor Carrier Act are exempt from Maine's overtime law. However, beginning September 1, 2003, most such drivers and driver's helpers will be exempt from the overtime law only if they receive overtime pay reasonably equivalent to the pay that would be required under Maine's overtime law. The Department of Labor may adopt major substantive rules setting forth standards for determining whether pay is "reasonably equivalent." Also retroactive to January 1, 1995, drivers and driver's helpers who are governed by a collective bargaining agreement that regulates such pay, and those who are employed by an entity under contract with the federal government that dictates pay are exempt from the Maine law, regardless of whether they meet the "reasonably equivalent" standard. Cases pending on March 20, 2002 are not affected by the new law.

Public Law 2001, chapter 628 was enacted as an emergency measure, effective April 5, 2002.

LD 2133

An Act to Implement the Recommendations of the Workers' Compensation Board Governance Study

DIED BETWEEN BODIES

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

LD 2133 proposed to implement the recommendations of a consultant's report on administration of the workers' compensation system, submitted pursuant to Resolve 2001, chapter 49. The bill proposed to create the Workers' Compensation Agency and divide the responsibilities of the current Workers' Compensation Board among the new agency and the board. The agency would perform administrative functions and would be managed by an Executive Director, appointed by the Governor, subject to confirmation by the Legislature. The board would be composed of 9 members appointed by the Governor, subject to confirmation by the Legislature: 3 labor members, 3 management members and 3 public members. The board would continue to provide general oversight of the system and would continue to set general policy and adopt governing rules. The bill proposed to give the Executive Director greater authority to manage staff of the agency.

The bill also proposed to change the method of assessing insurers to pay the costs of administering the system. Instead of requiring each insurer to assess and remit a specific percentage of the premium collected in the current fiscal year, the bill proposed that each insurer pay a specific amount calculated as a percentage of the previous year's premium. The assessment would not appear as a separate charge on premium notices, but would be included in the rates charged by the insurer.

Committee Amendment "A" (S-486), which was not adopted, was the minority report of the committee. It proposed to specify that the Workers' Compensation Board, in carrying out its duties, must focus on efficiency, worker safety, prompt dispute resolution and reduction in the cost of the workers' compensation system relative to

Joint Standing Committee on Labor

other states. The amendment also proposed to charge public members with representing the broad public interests of the State. Finally, the amendment proposed to specify that insurers must bill and collect assessments through a surcharge based on premium, which must be separately stated on premium notices.

LD 2137	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, Bureau of Labor Standards	RESOLVE 103 EMERGENCY
----------------	--	----------------------------------

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
-------------------	--------------------------------	---------------------------

LD 2137 proposed to authorize the Department of Labor to finally adopt a rule governing civil money penalties for violations of certain state labor laws, including those regarding wages and hours, substance abuse testing, equal pay, severance pay and prevailing wages.

Enacted law summary

Resolve 2001, chapter 103 authorizes the Department of Labor to finally adopt a rule setting forth the criteria for imposing administrative civil money penalties for certain labor law violations. The rule is Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a major substantive rule of the Department of Labor, Bureau of Labor Standards. The Legislature did not require any change in the rule as provisionally adopted by the department.

Resolve 2001, chapter 103 was finally passed as an emergency measure, effective April 4, 2002.

LD 2151	An Act to Extend Unemployment Benefits by 13 Weeks	ONTP
----------------	---	-------------

<u>Sponsor(s)</u> BUNKER EDMONDS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
--	---------------------------------	---------------------------

LD 2151 proposed to enact a temporary emergency unemployment compensation program to provide up to an additional 13 weeks of unemployment benefits to individuals whose unemployment benefits run out on or after April 1, 2002 but before April 1, 2003. The program would be repealed April 1, 2003 and take effect only if the Federal Government has failed to enact a similar program by July 1, 2002. The Federal Government did create a comparable program in March, 2002 through Public Law 107-147, the federal Job Creation and Worker Assistance Act of 2002.