

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*May 2004*

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**Members:**

*Sen. Betheda G. Edmonds, Chair  
Sen. Stephen S. Stanley  
Sen. Kenneth Blais*

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Rep. Theodore H. Heidrich*

*Maine State Legislature*



*Office Of Policy And Legal Analysis  
Office Of Fiscal And Program Review*

*121st Maine Legislature  
Second Regular Session and  
Second Special Session*

*Summary Of Legislation Before The Joint Standing Committees*

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

*David C. Elliott, Director*  
**Offices located in Room 215 of the Cross Office Building**

## *Joint Standing Committee on Labor*

**LD 71**

**An Act to Ban Strikebreakers**

**ONTP**

<u>Sponsor(s)</u> PINEAU	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 71 proposed to require that a contract between an employer and replacement workers must include a statement that when the strike is settled or employees offer unconditionally to return to work, the replacement workers will not be retained in preference to the returning workers.

LD 71 was reported out of committee during the 1<sup>st</sup> Regular Session with a divided report (OTP-AM; ONTP), then referred back to the Labor Committee and carried over. During the 2<sup>nd</sup> Regular Session, a majority committee amendment based on a 1991 bill (LD 511) was proposed. The amendment would have required inspection of certain industrial worksites that contain hazardous materials or equipment if more than 50% of the workforce at the site had less than 6 months of experience on the job. The committee voted OTP-AM; ONTP on the proposal, but later reconsidered and voted ONTP unanimously.

**LD 550**

**An Act Regarding Employment of Workers' Compensation Board  
Hearing Officers and Mediators**

**ONTP**

<u>Sponsor(s)</u> EDMONDS SMITH W	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 550 proposed to transfer the authority to hire workers' compensation hearing officers and mediators from the Workers' Compensation Board to the board's Executive Director.

See LD 1909 (Public Law 2003, chapter 608), which restructures the Workers' Compensation Board to a 7-member board, including the Executive Director as a member. The odd number of members is designed to prevent deadlock on board decisions including decisions on appointing or reappointing hearing officers.

**LD 561**

**An Act To Improve Standards for Public Assistance to Employers  
in the State**

**DIED ON  
ADJOURNMENT**

<u>Sponsor(s)</u> HUTTON EDMONDS	<u>Committee Report</u> OTP-AM    MAJ ONTP      MIN	<u>Amendments Adopted</u>
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LD 561 proposed to require recipients of certain state and local economic development incentives to meet certain criteria regarding wages, benefits and compliance with federal, state and local laws. The economic development incentive programs include tax increment financing, tax credits or tax reimbursement for investments and creation of jobs, and grants under the Governor's Training Initiative. Recipients under some of the programs would be required to pay a living wage to employees and provide retirement and health insurance benefits. Recipients under