

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Labor*

*July 2003*

**Members:**

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

*Rep. William J. Smith, Chair  
Rep. Deborah J. Hutton  
Rep. Paul R. Hatch  
Rep. John L. Patrick  
Rep. Thomas R. Watson  
Rep. Russell P. Treadwell  
Rep. Philip Cressey, Jr.  
Rep. Robert W. Nutting  
Rep. Theodore H. Heidrich  
Rep. Troy D. Jackson*

**Staff:**

*Deborah C. Friedman, Senior Analyst*

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

# Maine State Legislature



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

### 121st Maine Legislature First Regular 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](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:

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

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

*Joint Standing Committee on Labor*

**LD 148**

**An Act To Clarify Employment Status of Owner-operators in the Trucking Industry**

**ONTP**

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

LD 148 proposed to forgive certain unemployment taxes due from certain owner-operators of trucks or truck tractors leased to a motor carrier based on wages prior to the effective date of the law that exempted those wages from state unemployment insurance law.

**LD 170**

**An Act To Improve the Health and Safety of Young Workers**

**PUBLIC 59**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT	OTP-AM	H-64

LD 170 proposed to amend the child labor laws to provide that the Department of Labor rules prohibiting minors from working in hazardous jobs must include a rule prohibiting minors from working in confined spaces.

**Committee Amendment "A" (H-64)** proposed to replace the bill. It proposed to restructure the section of law relating to hazardous employment for minors. It proposed to add language prohibiting minors from working in confined spaces or at a certain height when federal Occupational Safety and Health Administration regulations would require special procedures or precautions for such work. It proposed to require that Department of Labor rules limiting minors from such work include specific exceptions for work needed for public safety.

***Enacted Law Summary***

Public Law 2003, chapter 59 requires that the Department of Labor rules prohibiting minors from working in hazardous jobs must include a rule prohibiting minors from working in confined spaces or at a certain height, when federal Occupational Safety and Health Administration regulations would require special procedures or precautions for such work. It requires that the rules limiting minors from such work include specific exceptions for work needed for public safety. It also restructures the entire section of law to make it easier to read.

**LD 240**

**An Act to Ensure that Maine's Unemployment System is Responsive to the Needs of Today's Workforce**

**PUBLIC 458**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORTON EDMONDS	OTP-AM MAJ ONTP MIN	H-482 H-528 SMITH W

LD 240 proposed to amend the law relating to qualification for unemployment benefits to provide that a person who is only available for part-time work is not disqualified from receiving benefits, beginning on January 1, 2004. Under

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current law, an unemployed individual is eligible to receive unemployment benefits only if the individual is available for full-time work.

**Committee Amendment "A" (H-482)** proposed to replace the bill. It proposed the specific circumstances under which a person who is unavailable for full-time work can continue to be eligible for unemployment benefits. A person who has a history of part-time work would not be disqualified from receiving unemployment benefits as long as that person continues to be available to work for a number of hours comparable to the number worked during part-time weeks in the base period. A person who is unavailable to work full-time would not be disqualified from receiving benefits if the person's lack of availability is the result of illness or disability of an immediate family member or the lack of availability is necessary for the safety or protection of the individual or a member of the individual's immediate family.

**House Amendment "A" to Committee Amendment "A" (H-528)** proposed to limit the application of the provision allowing unemployment benefits for persons seeking part-time work to persons who file applications for benefits before October 1, 2005.

### *Enacted Law Summary*

Current law requires that, in order to be eligible to receive unemployment compensation benefits, a person must be able, available for and actively seeking full-time work. Public Law 2003, chapter 458 provides that a person who is able, available and seeking only part-time work is not disqualified from receiving benefits if (1) the person had a history of part-time work and continues to seek work for a comparable number of hours per week; or (2) the person can only work part-time because of a family member's illness or disability or because of the safety of the person or the person's family member. This provision allowing a person to limit his or her work search to part-time work does not apply to applications for unemployment benefits filed on or after October 1, 2005.

**LD 284**

**An Act To Require Use of United States Citizens for Work with the  
Bureau of Parks and Lands**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM    MAJ	H-402
MARTIN	ONTP    MIN	

LD 284 proposed to prohibit the Department of Conservation, Bureau of Parks and Lands from contracting for timber harvesting on the public reserved and nonreserved lands with anyone who is not a United States citizen.

**Committee Amendment "A" (H-402)** proposed to clarify the application of the United States citizenship requirement and to add hauling to the list of activities that may be performed only by United State citizens. It proposed to clarify that the citizenship requirement does not apply to corporations and other legal entities, but it does prohibit those entities from employing persons who are not United States citizens to cut, skid or haul timber on or from public reserved lands or nonreserved public lands under any contract or permit to cut timber on those lands.