

# 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  
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 1350**                      **An Act To Assist Seasonal Workers with Workers' Compensation**                      **DIED IN CONCURRENCE**

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

LD 1350 proposed to remove the provision in the workers' compensation law that classifies agricultural, harvesting or forest products workers as seasonal workers for purposes of determining their “average weekly wage,” regardless of whether they worked more than 26 weeks in a year.

**LD 1352**                      **An Act To Amend the Benefit for Accidental Death in the Line of Duty for Law Enforcement Officers**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J	ONTP      MAJ	
HATCH PH	OTP-AM    MIN	

LD 1352 proposed to provide that, for purposes of determining whether beneficiaries of a law enforcement officer are entitled to the accidental death benefit provided by the Maine State Retirement System, a law enforcement officer is presumed to have died in the course of employment if the officer dies as a result of hypertension or heart disease, and a prior physical examination at the time the member became a law enforcement officer or after had not shown evidence of hypertension or heart disease.

**Committee Amendment "A" (H-202)** proposed to replace the bill. Instead of providing a presumption of work-related death under the Maine State Retirement System laws, this amendment proposed to extend to law enforcement officers an existing presumption under the workers' compensation law relating to firefighters. It proposed to provide that a law enforcement officer who suffers cardiovascular injury or disease or pulmonary disease is presumed to have suffered a compensable injury under the Maine Workers' Compensation Act of 1992 if the law enforcement officer was an active officer for at least 2 years and the injury or disease or death from the injury or disease occurs within 6 months after active duty. The presumption would be rebuttable. This amendment was not adopted.

**LD 1380**                      **An Act To Promote Safety and Fair Labor Practices for Forestry Workers**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH		
EDMONDS		

LD 1380 proposes to enact laws to protect workers who perform reforestation activities, on a temporary or seasonal basis, from unsafe, unhealthy or unfair working conditions. It proposes to require the employer to provide and pay for (1) protective clothing, gear and necessary equipment; (2) safe transportation to the work site that meets the standards provided in the federal Migrant and Seasonal Agricultural Worker Protection Act as well as

## *Joint Standing Committee on Labor*

meeting additional standards including limits on driving time and requirements for insurance; and (3) housing near the work site to any forestry worker whose permanent residence is more than 50 miles from the work site and who wishes to live in such housing.

It proposes to prohibit the employer or any other person from selling goods or services to workers in employer-provided housing for an amount that constitutes an unjust or unreasonable profit. The bill proposes to require the employer to ensure that workers residing in employer-provided housing have the right to receive visitors and that visitors have access to roadways used to reach the housing. The bill proposes to define "employer" to ensure that all persons and entities that directly benefit from the labor performed by forestry workers are simultaneously and jointly responsible for the decent treatment of workers.

The bill proposes to prohibit any person from discriminating or retaliating against any person who exercises the rights or protections provided by the new law or who files a complaint or participates in a proceeding under the law. Persons who violate the law would be subject to civil penalties of up to \$2,500 per violation, enforceable by the Attorney General. That amount would increase to \$50,000 for certain egregious violations that result in a worker's bodily injury or death. The bill also proposes to provide a private right of action for aggrieved persons and declare void any attempt to waive or modify the workers' rights under the law.

**LD 1435**                      **An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers**                      **PUBLIC 489**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE BRYANT	OTP-AM	H-452 S-310 CATHCART

LD 1435 proposed to include under the definition of state "employee" for purposes of workers' compensation law and the Maine Tort Claims Act a person, whether paid or unpaid, who performs a search and rescue activity upon request of a state, county or local government.

**Committee Amendment "A" (H-452)** proposed that only those individuals certified by the Director of the Maine Emergency Management Agency as qualified search and rescue workers are considered employees of the State for purposes of workers' compensation coverage when they are engaged in search and rescue activity at the request of a state, county or local government entity.

**Senate Amendment "A" to Committee Amendment "A" (S-310)** proposed to change the source of funding for workers' compensation coverage from the Department of Defense, Veterans and Emergency Management to the Department of Inland Fisheries and Wildlife.

### *Enacted Law Summary*

Public Law 2003, chapter 489 provides safeguards for persons who volunteer to perform search and rescue activity at the request of a state, county or local government. It provides immunity from lawsuits for injury or damage while the person is conducting search and rescue by including those persons as "employees" under the Maine Tort Claims Act. It also includes those persons as employees of the state for workers' compensation purposes, but only if the person is certified by the Maine Emergency Management Agency as a qualified search and rescue worker.