

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Labor*

August 2005

Members:

*Sen. Ethan Strimling, Chair
Sen. Philip L. Bartlett, II
Sen. Lois A. Snowe-Mello*

*Rep. William J. Smith, Chair
Rep. John L. Tuttle, Jr.
Rep. Deborah J. Hutton
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Rep. Darren M. Hall
Rep. James M. Hamper*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

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LD 302

An Act To Encourage Parties To Agree to the Selection of Independent Medical Examiners in Workers' Compensation Cases

PUBLIC 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-20

LD 302 proposed to encourage parties in a workers' compensation case to agree to the selection of independent medical examiners by establishing that, whether or not the parties have agreed to the selection of an independent medical examiner, the examiner's findings must be adopted unless there is clear and convincing evidence to the contrary in the record that does not support the medical findings.

Committee Amendment "A" (S-20) proposed to allow a physician who has examined an employee at the request of an insurance company, employer or employee during the previous 52 weeks to serve as an independent medical examiner if agreed upon by the parties to the workers' compensation claim.

Enacted law summary

Public Law 2005, chapter 24 encourages parties in a workers' compensation case to agree to the selection of independent medical examiners by establishing that, whether or not the parties have agreed to the selection of an independent medical examiner, the examiner's findings must be adopted unless there is clear and convincing evidence to the contrary in the record that does not support the medical findings. The law also allows a physician who has examined an employee at the request of an insurance company, employer or employee during the previous 52 weeks to serve as an independent medical examiner if agreed upon by the parties to the workers' compensation claim.

LD 309

An Act To Amend the Sunset on Part-time Unemployment Insurance Benefits

PUBLIC 454

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W	OTP-AM MAJ	H-33
STRIMLING	ONTP MIN	H-402 SMITH W S-318 STRIMLING

LD 309 proposed to remove the sunset on the expansion of unemployment benefit eligibility to workers who have a primary history of part-time work, who are laid off and are only able and available for comparable part-time work. The language expanding those benefits took effect on January 1, 2004 and is scheduled to sunset on September 30, 2005 unless legislation is passed to make the program permanent.

Committee Amendment "A" (H-33) proposed to add an appropriations and allocations section to the bill.

House Amendment "C" (H-402) proposed to direct the Department of Labor to develop as a pilot program an education and training program for unemployed part-time workers that is designed to enhance the employability and economic security of those workers. The amendment proposed that, in designing the pilot program, the department be directed to develop methods to facilitate the participants' efficient transition from receiving compensation under the unemployment compensation insurance system to obtaining new job placements and to minimize the impact on the Unemployment Trust Fund from extending unemployment compensation benefits to

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unemployed part-time workers. The amendment also proposed to direct the department to report its results to the Joint Standing Committee on Labor by January 15, 2006.

Senate Amendment "B" to Committee Amendment "A" (S-318) proposed to retain the sunset provision but extend it for 3 years until September 30, 2008.

Enacted law summary

Public Law 2005, chapter 454 extends until September 30, 2008 the sunset on the expansion of unemployment benefit eligibility to workers who have a primary history of part-time work, who are laid off and are only able and available for comparable part-time work. The language expanding those benefits in prior law took effect on January 1, 2004 and was scheduled to sunset on September 30, 2005 until chapter 454 was enacted. Additionally, chapter 454 directs the Department of Labor to develop as a pilot program an education and training program for unemployed part-time workers that is designed to enhance the employability and economic security of those workers. In designing the pilot program, the department is directed to develop methods to facilitate the participants' efficient transition from receiving compensation under the unemployment compensation insurance system to obtaining new job placements and to minimize the impact on the Unemployment Trust Fund from extending unemployment compensation benefits to unemployed part-time workers. The department is directed to report its results to the Joint Standing Committee on Labor by January 15, 2006.

LD 322 **An Act To Amend the Process for Review of Hearing Officer Decisions by the Workers' Compensation Board** **PUBLIC 25**

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

LD 322 proposed to extend the time within which a hearing officer may request review of a decision by the full Workers' Compensation Board to allow for the filing of motions to find the facts specially and state separately the conclusions of law.

Enacted law summary

Public Law 2005, chapter 25 extends the time within which a hearing officer may request review of a decision by the full Workers' Compensation Board to allow for the filing of motions to find the facts specially and state separately the conclusions of law.

LD 350 **An Act To Provide Funding To Allow Veterans Who Received Certain Combat Medals To Purchase Subsidized Service Time towards Their Retirement** **CARRIED OVER**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
CAMPBELL NASS R		OTP-AM		H-32