

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:

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

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Staff:

Jim Adolf, Legislative Analyst

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



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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.

Joint Standing Committee on Labor

LD 730

An Act To Require Proof of Equipment Ownership for Employers Using Foreign Laborers

PUBLIC 461

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| JACKSON | OTP-AM MAJ | H-372 |
| STRIMLING | ONTP MIN | H-708 CUMMINGS |

LD 730 proposed to require an employer who hires a foreign worker working in the United States under what is commonly known as an "H-2B visa" to provide proof of ownership of any equipment used by that worker, on a form to be provided by the Commissioner of Labor. The bill proposed to set fines for violations at no less than \$1,000 and no more than \$5,000 per violation.

Committee Amendment "A" (H-372), which was the majority report of the committee, proposed to specify that:

1. Proof of equipment ownership is necessary only for an employer who is employing a bond worker in a logging occupation;
2. Proof of ownership of at least one piece of logging equipment is required for every 2 bond workers employed in logging occupations; and
3. Proof of ownership must include a receipt for payment of the equipment.

House Amendment "A" to Committee Amendment "A" (H-708) proposed to require the employer of a bond worker to provide, as part of proof of equipment ownership, documentation of any property taxes on equipment used by the bond worker paid by the employer during the year in which the bond worker was employed. The amendment also proposed to exempt from the proof of ownership requirements any equipment for which a federal prevailing wage has been established and to change the rulemaking authorized in the bill to major substantive.

Enacted law summary

Public Law 2005, chapter 461 requires an employer who hires a foreign worker in a logging occupation working in the United States under what is commonly known as an "H-2B visa" to provide proof of ownership of any equipment used by that worker, on a form to be provided by the Commissioner of Labor, including a receipt for payment of the equipment and documentation of any property taxes on equipment used by the bond worker paid by the employer during the year in which the bond worker was employed. Further, the law specifies that proof of ownership of at least one piece of logging equipment is required for every 2 bond workers employed in logging occupations. The law also sets fines for violations at no less than \$1,000 and no more than \$5,000 per violation, and expressly exempts from the proof of ownership requirements any equipment for which a federal prevailing wage has been established. Finally the law authorizes major substantive rulemaking.