

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

July 2007

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# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

# Joint Standing Committee on Labor

**LD 1087**

**An Act To Facilitate Debarment of State Contractors with Serious or Repeated Labor Violations**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE STRIMLING	ONTP	

This bill broadens the Department of Labor's authority to debar contractors seeking state contracts if these contractors have serious or repeated violations of state labor laws or certain federal laws.

**LD 1107**

**An Act To Promote Compliance with the Workers' Compensation Laws**

**PUBLIC 265**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-174

This bill raises the penalty not-to-exceed amount from \$10,000 to \$100,000 that the Workers' Compensation Board may assess, where there has been a finding, after hearing, that an employer, insurer or 3rd-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims.

### **Committee Amendment "A" (S-174)**

This amendment changes from mandatory to permissive the assessment of a penalty by the Workers' Compensation Board against an employer or insurance carrier for failure to pay compensation. The amendment increases the maximum penalty for engaging in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims from \$10,000 to \$25,000, as opposed to the \$100,000 maximum proposed in the bill. The amendment also requires that the amount of the penalty be commensurate with the severity of the proscribed acts and that penalties collected go to the General Fund. Finally, the amendment provides that an insurance carrier's payment of any penalty assessed under the Maine Revised Statutes, Title 39-A, section 359 may not be considered an element of loss for the purpose of establishing rates for workers' compensation insurance. This amendment also makes several technical corrections to current law to conform to drafting standards.

### **Enacted Law Summary**

Public Law 2007, Chapter 265 raises the penalty not-to-exceed amount from \$10,000 to \$25,000 that the Workers' Compensation Board may assess, where there has been a finding, after hearing, that an employer, insurer or 3rd-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims. The bill requires that the amount of the penalty be commensurate with the severity of the proscribed acts and that penalties collected go to the General Fund. The bill also changes from mandatory to permissive the assessment of a penalty by the Workers' Compensation Board against an employer or insurance carrier for failure to pay compensation. Finally, the bill provides that an insurance carrier's payment of any penalty assessed under the Maine Revised Statutes, Title 39-A, section 359 may not be considered an element of loss for the purpose of establishing rates for workers' compensation insurance.

**LD 1113**

**An Act To Prevent Workplace Bullying**

**ONTP**

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