

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON LABOR

July 2007

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STATE OF MAINE

123RD 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 123rd 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

This amendment provides that the Corrections and Mental Health Workers Service Retirement Benefit Reserve is held by the Maine State Retirement System rather than in the General Fund. The amendment also provides for 1% contributions to the reserve by affected classifications of corrections officers and mental health workers.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1259 An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases

PUBLIC 313

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP-AM	H-372

This bill provides that the amount of compensation in occupational disease cases must be based on the average weekly wages of the employee on the date of injury rather than on the date the employee was last exposed to the disease. Where the employee is no longer working on the date of incapacity, the average wages of a comparable employee as of the date of injury must be used to determine the amount of compensation.

Committee Amendment "A" (H-372)

The amendment clarifies that the amount of compensation in occupational disease cases is based on wages in the occupation in which the employee was working at the time of the employee's last injurious exposure, even though the employee may no longer be working in that occupation.

Enacted Law Summary

Public Law 2007, Chapter 313 provides that the amount of compensation in occupational disease cases must be based on the average weekly wages of the employee on the date of injury rather than on the date the employee was last exposed to the disease. Where the employee is no longer working on the date of incapacity, the average wages of a comparable employee in the occupation in which the employee was working at the time of the employee's last injurious exposure, and as of the date of injury, must be used to determine the amount of compensation.

LD 1261 An Act To Clarify Intermittent Leave under the Family Medical Leave Laws

PUBLIC 233

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

This bill amends the family medical leave laws to provide for intermittent leave as is provided under the federal Family and Medical Leave Act of 1993.

Enacted Law Summary

Public Law 2007, Chapter 233 amends the family medical leave laws to provide for intermittent leave as is provided under the federal Family and Medical Leave Act of 1993.

LD 1272 An Act To Repeal Certain Unemployment Benefit Disqualifications

ONTP

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

Joint Standing Committee on Labor

Under current law, an individual is disqualified for unemployment compensation benefits if the unemployment is due to a stoppage of work that exists because of a labor dispute. This bill repeals this provision of law.

LD 1275 An Act To Promote Workplace Safety and Certainty within the Construction Industry by Authorizing the Workers' Compensation Board To Issue Construction Contractor Certificates **CARRIED OVER**

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

This bill requires the Workers' Compensation Board to issue a construction contractor certificate to a person working in the construction industry upon proof that the person functions in a particular trade or occupation as an independent contractor rather than an employee or upon proof that the person has secured the payment of compensation by obtaining insurance coverage. The certificate creates a binding presumption that the person is an independent contractor so long as the person works in the trade, business, occupation or profession identified in the certificate. The application for and issuance of a certificate constitutes a waiver of rights under the Maine Workers' Compensation Act of 1992. A person who engages in construction work without a certificate is deemed an employee of the person's hiring agent.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1285 An Act To Amend the Laws Regarding Appeals from Decisions Issued by the Workers' Compensation Board **ONTP**

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

Under current law, if the Workers' Compensation Board reviews the decision of a hearing officer, the Maine Supreme Judicial Court has discretion to review the decision of the board, upon the appeal of an aggrieved party. This bill removes this discretion and provides instead that a party aggrieved by such a decision of the Workers' Compensation Board may appeal that decision to the Maine Supreme Judicial Court as a matter of right.

LD 1295 An Act To Amend the Labor Laws Regarding Automobile Dealerships **PUBLIC 360**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM MAJ OTP-AM MIN	H-476

This bill amends the wage and hour overtime laws in relation to automobile dealership employees primarily engaged in financing and insurance assistance and individuals employed as automobile service writers at automobile dealerships.

Committee Amendment "A" (H-476)

This amendment is the majority report of the Joint Standing Committee on Labor. It adds the qualifying language that a person's annual compensation must exceed 3,000 times the state minimum hourly wage to the definitions of "automobile mechanic," "automobile parts clerk" and "automobile service writer."

Committee Amendment "B" (H-477)