

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON LABOR

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STATE OF MAINE

124TH 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 124th Maine Legislature.

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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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 1007 An Act Pertaining to the Retirement of Certain Oil and Hazardous
Material Specialists**

**DIED BETWEEN
HOUSES**

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

Under current law, retired oil and hazardous materials emergency response workers who worked in the Division of Response Services in the Department of Environmental Protection are covered under the 1998 Special Plan. This bill extends inclusion in the plan to oil and hazardous materials emergency response workers in other divisions in the Department of Environmental Protection.

Committee Amendment "A" (H-184)

The amendment prospectively adds oil and hazardous materials specialists employed in the Department of Environmental Protection to the 1998 Special Plan who were not included in the original 1998 Special Plan. The amendment also adds an appropriations and allocations section.

**LD 1092 An Act To Improve Worksite Accountability for Public Construction
Projects by Requiring Subcontractor Identification**

ONTP

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

This bill requires a general contractor on a project undertaken with public funds to provide the public agency with a list of all independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the job site and the agency's website and updated weekly. The bill also establishes penalties to be implemented by the Department of Labor.

The Committee carried forward this concept, in an amended form, in LD 1456.

**LD 1109 An Act To Prohibit the Reduction of Benefits under the Maine
Workers' Compensation Act of 1992 for Certain Prior Injuries**

**LEAVE TO
WITHDRAW**

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

This bill is in response to the Maine Supreme Judicial Court's decision in *Legassie v. Securitas, Inc.*, 2008 ME 43, 944 A.2d 495. The decision in that case authorized a reduction to an injured worker's wage replacement and medical benefits because of a previously settled workers' compensation claim. This bill specifies that reducing an injured worker's benefits because of a prior settled injury is direct apportionment against the employee and is prohibited.

Joint Standing Committee on Labor

This bill also clarifies the applicability of the Maine Supreme Judicial Court's decision in *Cust v. University of Maine*, 2001 ME 29, 766 A.2d 566. This bill specifies that when an injured worker's permanent impairment rating under the Maine Revised Statutes, Title 39-A, section 213, subsection 1-A is above the applicable threshold on account of a single injury or the sum of multiple injuries, all of the worker's weekly benefits under the Maine Workers' Compensation Act of 1992 are exempt from the durational limit of Title 39-A, section 213, subsection 1.

The Committee carried forward this concept, in an amended form, in LD 1384.

LD 1167 An Act To Limit the Work Week of Doctors and Medical Residents

ONTP

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

Current law limits the amount of overtime an employee may be required to work to 80 hours in 2 weeks; medical interns and residents are exempt from this limitation.

This bill modifies the exemption to reduce the number of hours of overtime that a medical intern or resident can be required to work from 80 hours in a 2-week period to 20 hours in a one-week period and applies the same limit to physicians.

LD 1185 An Act To Require Cause for Employment Termination

**ACCEPTED ONTP
REPORT**

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

This bill enacts the Maine Employment Termination Act, which states that an employer may not terminate the employment of an employee without good cause.

Committee Amendment "A" (S-180)

This minority report amendment adds an appropriations and allocations section to the bill.

LD 1219 An Act To Correct Inequities for Certain Maine Community College System Employees in the Maine Public Employees Retirement System

**PUBLIC 236
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G	OTP-AM	S-183

This bill provides that an employee of the Maine Community College System who participated in a defined contribution plan offered to such an employee in place of the retirement plan offered under the Maine Public Employees Retirement System and who subsequently resumed participation or commenced participation in the