

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

incentive payment allowable to the State under the federal recovery legislation.

It also temporarily adds an alternative methodology for determining when extended unemployment benefits are paid. Using the seasonally adjusted total unemployment rate methodology for determining when extended unemployment benefits are payable increases the likelihood that these benefits will become available for unemployed workers during the current period of economic downturn. The addition of the alternative methodology remains in effect for weeks of unemployment that begin after February 17, 2009 until the week ending December 12, 2009 or until the week ending 3 weeks prior to the last week for which federal sharing is authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2005(a), whichever is later. During this period, a temporary change made under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 provides that the cost of all extended benefits in the unemployment compensation program will be paid 100% in most cases by the Federal Government.

Senate Amendment "A" (S-63)

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

Enacted Law Summary

Public Law 2009, chapter 33 amends the Maine Revised Statutes, Title 26, section 1193, subsection 1, paragraph A, which governs unemployment benefit disqualification exceptions for voluntarily leaving one's job, in order to meet the unemployment insurance modernization provision requirements under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2003, and ensures that the State qualifies for receiving the maximum incentive payment allowable to the State under the federal recovery legislation.

It also temporarily adds an alternative methodology for determining when extended unemployment benefits are paid. Using the seasonally adjusted total unemployment rate methodology for determining when extended unemployment benefits are payable increases the likelihood that these benefits will become available for unemployed workers during the current period of economic downturn. The addition of the alternative methodology remains in effect for weeks of unemployment that begin after February 17, 2009 until the week ending December 12, 2009 or until the week ending 3 weeks prior to the last week for which federal sharing is authorized by the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2005(a), whichever is later. During this period, a temporary change made under the American Recovery and Reinvestment Act of 2009, Public Law 111-5 provides that the cost of all extended benefits in the unemployment compensation program will be paid 100% in most cases by the Federal Government.

Public Law 2009, chapter 33 was enacted as an emergency measure effective April 16, 2009.

LD 1456

An Act To Ensure That Construction Workers Are Protected by Workers' Compensation Insurance

PUBLIC 452

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L JACKSON	OTP-AM	H-536 H-557 MARTIN J L

This bill provides that, beginning January 1, 2010, a person performing construction work on a construction site for a hiring agent is presumed to be an employee of the hiring agent for purposes of workers' compensation, unless the person either meets the definition of "construction subcontractor" or carries workers' compensation insurance.

Committee Amendment "A" (H-536)

Joint Standing Committee on Labor

This amendment requires a general contractor on a project undertaken with public funds to provide the public agency with a list of independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the contracting agency's publicly accessible website and updated as needed. The amendment establishes penalties for noncompliance with this provision.

The amendment provides an exception from the employee presumption for a person who owns or leases equipment and operates that equipment on a construction site. The amendment also requires a report from the Workers' Compensation Board and the Department of Labor, by December 15, 2009, to the Joint Standing Committee on Labor. Upon review of the report, the committee may report out a bill to the Second Regular Session of the 124th Legislature.

House Amendment "A" To Committee Amendment "A" (H-557)

This amendment changes "curb weight" to "gross vehicle weight rating" for a truck that is used for construction work in determining whether the person using the truck is considered the owner for purposes of workers' compensation insurance.

Enacted Law Summary

Public Law 2009, chapter 452 requires a general contractor on a project undertaken with public funds to provide the public agency with a list of independent contractors and subcontractors on the job site and the names of their workers' compensation insurers. The list must be posted on the contracting agency's publicly accessible website and updated as needed. The law establishes penalties for noncompliance with this provision.

The law provides an exception from the employee presumption for a person who owns or leases equipment meeting weight requirements and operates that equipment on a construction site. The law also requires a report from the Workers' Compensation Board and the Department of Labor, by December 15, 2009, to the Joint Standing Committee on Labor. Upon review of the report, the committee may report out a bill to the Second Regular Session of the 124th Legislature.

LD 1469 An Act To Ensure Fair Calculation of Severance Pay for Maine Workers

**PUBLIC 305
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-231

This bill provides that the calculation of a week's pay under the laws governing severance pay must be made from the date of a layoff if the layoff occurs before the relocation or termination of a covered establishment. The bill applies retroactively to January 1, 2009.

Committee Amendment "A" (S-231)

This amendment redefines "physical calamity" and "week's pay" in the laws governing severance pay. It clarifies that during Chapter 11 bankruptcy proceedings there is no right to severance pay unless the filing is later converted to a filing under Chapter 7. It includes language regarding a mass layoff and directs an employer to report the expected duration of a layoff within 7 days to the Director of the Bureau of Labor Standards. The director shall, at least every 30 days, require the employer to update the employer's report for the director to determine whether the layoff constitutes a termination or relocation. This amendment includes a retroactivity clause dated March 31, 2009.

Enacted Law Summary

Public Law 2009, chapter 305 redefines "physical calamity" and "week's pay" in the laws governing severance pay.