

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

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.

Joint Standing Committee on Labor

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.

Public Law 2009, chapter 305 was enacted as an emergency measure effective June 8, 2009.

**LD 1474 An Act To Assist Maine Workers and Businesses in Succeeding in a
Changing Economy**

PUBLIC 271

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MITCHELL E	OTP-AM	H-321

This bill amends the definition of "dislocated worker" used to establish eligibility for extended unemployment benefits for workers in an approved training program. It extends coverage beyond those laid off as a result of a plant closing to those who have been terminated or laid off as a result of a reduction in operations at their place of employment. The bill removes the provision making individuals who previously completed an approved training program ineligible for the extended unemployment benefit program for dislocated workers. It also updates cross-references to approved training programs to reflect current additions to this list. Finally, it directs the Commissioner of Labor to examine the State's unemployment insurance program to determine why the State's percent of unemployed workers receiving unemployment benefits appears low relative to other states.

Committee Amendment "A" (H-321)

This amendment requires the Commissioner of Labor to report on the status of persons who are receiving extended benefits for dislocated workers in approved training and have previously received such benefits in the commissioner's annual report due to the Committee on Labor each March 1st.

Enacted Law Summary

Public Law 2009, chapter 271 amends the definition of "dislocated worker" used to establish eligibility for extended unemployment benefits for workers in an approved training program. It extends coverage beyond those laid off as a result of a plant closing to those who have been terminated or laid off as a result of a reduction in operations at their place of employment. The bill removes the provision making individuals who previously completed an approved training program ineligible for the extended unemployment benefit program for dislocated workers. It also updates cross-references to approved training programs to reflect current additions to this list. It requires the Commissioner of Labor to report on the status of persons who are receiving extended benefits for dislocated workers in approved training and having previously received such benefits in the commissioner's annual report due to the Committee on Labor each March 1st. Finally, it directs the Commissioner of Labor to examine the State's unemployment insurance program to determine why the State's percent of unemployed workers receiving unemployment benefits appears low relative to other states.