

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON LABOR

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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 1528 An Act To Enhance Cooperation between the Workers' Compensation Board's Abuse Investigation Unit and Other State Agencies and To Ensure Equal Application of the Requirement To Obtain Coverage

PUBLIC 520

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

This bill clarifies that the Workers' Compensation Board's abuse investigation unit may share information with other state agencies to enhance interagency efforts to ensure compliance with their respective laws and rules.

This bill also ensures that the penalties in the Maine Workers' Compensation Act of 1992 for failure to procure insurance coverage are applied in the same manner to all business entities. This bill clarifies that limited liability companies may be dissolved as provided in Title 31, section 608-B and that any agent having primary responsibility for obtaining insurance coverage of a corporation, partnership, limited liability company, professional corporation or other business entity is liable for punishment for not procuring said coverage.

Enacted Law Summary

Public Law 2009, chapter 520 clarifies that the Workers' Compensation Board's abuse investigation unit may share information with other state agencies to enhance interagency efforts to ensure compliance with their respective laws and rules.

It ensures that the penalties in the Maine Workers' Compensation Act of 1992 for failure to procure insurance coverage are applied in the same manner to all business entities. It clarifies that limited liability companies may be dissolved as provided in Title 31, section 608-B and that any agent having primary responsibility for obtaining insurance coverage of a corporation, partnership, limited liability company, professional corporation or other business entity is liable for punishment for not procuring said coverage.

LD 1529 An Act To Amend the Maine Workers' Compensation Act of 1992 Regarding Coordination of Benefits

PUBLIC 521

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-380

This bill, which is in response to the decision of the Maine Supreme Judicial Court in *Nichols v. S.D. Warren/Sappi*, 2007 ME 103, 928 A.2d 732, provides that "disability insurance policy," as used in the coordination of benefits provisions of the Maine Workers' Compensation Act of 1992, does not include a life insurance policy that includes a disability feature.

Committee Amendment "A" (S-380)

This amendment clarifies that if a disability feature of a life insurance policy was put in place as a result of collective bargaining, the disability feature will not be considered a disability insurance policy as used in the coordination of benefits provisions of the Maine Workers' Compensation Act of 1992.

Enacted Law Summary

Joint Standing Committee on Labor

Public Law 2009, chapter 521, in response to the decision of the Maine Supreme Judicial Court in Nichols v. S.D. Warren/Sappi, 2007 ME 103, 928 A.2d 732, provides that "disability insurance policy," as used in the coordination of benefits provisions of the Maine Workers' Compensation Act of 1992, does not include a life insurance policy that includes a disability feature if that policy was put in place as a result of collective bargaining.

LD 1543 An Act To Make Maine Laws Consistent with Recent Amendments to the United States Trade Act of 1974

PUBLIC 466

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

This bill makes statutory changes to reflect amendments to the United States Trade Act of 1974 made by the United States Trade and Globalization Adjustment Assistance Act of 2009 and corrects a cross-reference.

Enacted Law Summary

Public Law 2009, chapter 466 makes statutory changes to reflect amendments to the United States Trade Act of 1974 made by the United States Trade and Globalization Adjustment Assistance Act of 2009 and corrects a cross-reference. The referenced amendments increase the number of weeks Trade Readjustment Assistance benefits are potentially payable (up to an additional 26 weeks) based on the type and duration of training a worker is participating in and expand the Trade Adjustment Assistance Act to more workers and firms, including those providing services to firms impacted by trade, public sector workers, and workers whose firms have shifted production to any foreign country. Further, the referenced amendments expand training opportunities and provide increased flexibility of training options for workers. The law also increases the likelihood that an unemployed worker affected by trade will be able to maintain health insurance by increasing the health care tax credit premium subsidy from 65% to 80% and expanding the conditions under which the health care tax credit is payable.

LD 1545 An Act To Protect Maine Workers

PUBLIC 637

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ OTP-AM MIN	S-495 S-536 JACKSON

This bill prohibits an employer from employing foreign laborers for five years if the employer violates the required proof of equipment ownership or foreign labor certification laws.

Committee Amendment "A" (S-495)

This amendment is the majority report of the Joint Standing Committee on Labor. It:

1. Prohibits an employer from employing foreign laborers for two years if the employer violates the required proof of logging equipment ownership or foreign labor certification laws;
2. Defines "logging equipment";
3. Eliminates the use of a lease as proof of ownership for logging equipment;