

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Labor, Commerce, Research and Economic Development

**LD 1078 An Act To Amend the Audit and Enforcement Functions of the
Workers' Compensation Board**

ONTP

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

This bill amends the audit and enforcement functions of the Workers' Compensation Board.

1. It eliminates the duty of the board to monitor the claims handling practices of insurers, self-insurers, the Maine Insurance Guaranty Association and third-party administrators and eliminates the monitoring program.
2. It requires that, in order for the board to audit an insurer, self-insurer, the Maine Insurance Guaranty Association or a third-party administrator, the board have probable cause to believe that an insurer, self-insurer, the Maine Insurance Guaranty Association or a third-party administrator has not met an obligation under the Maine Workers' Compensation Act of 1992.
3. It eliminates the board's authority to assess penalties on employers, insurers or third-party administrators that engage in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims.

**LD 1099 An Act Concerning Independent Contractors in the Trucking and
Messenger Courier Industries**

PUBLIC 176

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	OTP-AM MAJ ONTP MIN	S-102

This bill establishes a set of factors to determine whether an individual engaged in the business of freight transportation or courier and messenger services is an employee or an independent contractor for purposes of the workers' compensation laws.

Committee Amendment "A" (S-102)

This amendment strikes the bill and allows a person engaged in freight transportation or courier and messenger services to be considered an independent contractor either by meeting all of the factors for determining independent contractor status described in the bill or by being able to provide proof of coverage under a workers' compensation policy. This amendment changes one of the factors to require that there be a statement signed by both the person providing the services and the hiring entity that the person meets all of the requirements for being an independent contractor and is considered an independent contractor. Finally, this amendment provides for the repeal of these provisions on October 1, 2013.

Enacted Law Summary

Public Law 2011, chapter 176 allows a person engaged in freight transportation or courier and messenger services to be considered an independent contractor either by meeting all of the factors for determining independent contractor status or by being able to provide proof of coverage under a workers' compensation policy. It provides for the repeal of these provisions on October 1, 2013.