

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> 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 2013

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# STATE OF MAINE

126<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126<sup>th</sup> 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 126<sup>th</sup> Legislature is October 9, 2013. 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*

**Committee Amendment "A" (S-138)**

This amendment, which is the minority report of the committee, allows a minor under 16 years of age to obtain a work permit from either the school superintendent or directly from the Department of Labor, Bureau of Labor Standards when school is not in session during summer break. Current law requires the minor to obtain the permit through a school superintendent regardless of whether school is in session. The amendment also restores a provision of law that was removed by the bill that specifies that a superintendent may sign a permit for a student who is attending summer school only if the student is enrolled in school, not truant, not under suspension and passing a majority of courses during the current grading period. The amendment retains one sentence of the language regarding triplicate permits and the master permit system, which was repealed by the bill, and amends it to allow the Department of Labor to direct the superintendent to cancel a permit when there is reason to believe the permit should be surrendered. This amendment was not adopted.

**LD 443**

**An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers**

**VETO  
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T	OTP-AM ONTP	S-250 S-265 PATRICK

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures designed to provide benefits under the Maine Workers' Compensation Act of 1992 to seriously injured workers.

**Committee Amendment "A" (S-250)**

This amendment is the majority report of the committee. Current eligibility requirements under the Maine Workers' Compensation Act of 1992 for long-term partial incapacity benefits require at least an 18% whole person permanent impairment due to the injury, a weekly wage of 65% or less of the preinjury weekly wage and that the employee have earnings for at least 12 of the prior 24 months. This amendment replaces those eligibility requirements with requirements that the employee have a demonstrated earning capacity of 70% or less than the employee's earnings at the time of injury and the employee is working within the employee's documented capacity. The amendment adds that compensation is to be made at a fixed rate and reviewable no more frequently than every 2 years. Additionally, the amendment creates a rebuttable presumption that an injured worker with partial incapacity is eligible for benefits in the weekly amount permitted for total incapacity benefits as long as that injured worker has performed a work search sufficient to qualify for unemployment benefits through the Maine Department of Labor. The amendment also provides that rehabilitation plans voluntarily offered by the injured worker's employer qualify the injured worker for the same presumption that work is unavailable that is currently afforded to participants in Workers' Compensation Board rehabilitation plans.

**Senate Amendment "A" To Committee Amendment "A" (S-265)**

This amendment changes the committee amendment regarding partial incapacity benefits for a person who is not working from an amount equal to the amount permitted for total incapacity under section 212 to the amount of "100% partial incapacity benefits under section 213."