

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON
LABOR AND HOUSING**

August 2019

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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 129th 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. An appendix provides a summary of relevant session statistics.

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 129th Legislature is Thursday, September 19, 2019. 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 and Housing

LD 758 An Act To Clarify Work Search Requirements for Workers' Compensation

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

Under current law, an injured worker who is only partially incapacitated by a workplace injury may be eligible for so-called 100 percent partial incapacity benefits if the worker is not working, as long as the worker can demonstrate that the lack of employment is due to the injury and that the worker has not been able to obtain employment, within the restrictions caused by the partial incapacity, despite an adequate work search. The Maine Supreme Judicial Court outlined the factors that must be considered when determining whether a work search by the injured worker is sufficient in the case *Monaghan v. Jordan's Meats*, 2007 ME 100, 928 A.2d 786.

This bill abrogates the current "work search rule" by placing the burden on the previous employer to demonstrate that there is suitable employment available to the injured worker in the worker's local community. If the previous employer has demonstrated suitable available employment, the injured worker may still be eligible for so-called 100% partial incapacity benefits if the worker can demonstrate continued unemployment despite reasonable efforts to secure the alternative employment identified by the previous employer.

While LD 758 was voted "Ought Not to Pass," a provision directing the Workers' Compensation Board to study issues related to work search and vocational rehabilitation requirements for injured workers was included in LD 756, An Act To Improve the Maine Workers' Compensation Act of 1992. See LD 756, which was enacted as Public Law 2019, chapter 344.

LD 777 An Act To Establish the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations

PUBLIC 457

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R JACKSON T	OTP-AM ONTP	H-493

This bill creates the Permanent Commission on the Status of Racial and Ethnic Populations to promote, carry out and coordinate programs designed to improve opportunities for racial and ethnic populations.

Committee Amendment "A" (H-493)

This amendment, which is the majority report of the committee, replaces the bill. It changes the name of the Permanent Commission on the Status of Racial and Ethnic Populations to the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations and makes corresponding changes throughout the amendment to capture that change. It removes legislative members from the commission and makes additional changes to the public members of the commission. It further defines the duties and powers of the commission, including providing the commission with the authority to submit legislation at the start of each regular session. The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 457 establishes the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to promote, carry out and coordinate programs designed to improve opportunities for racial, indigenous and tribal populations.