

Joint Standing Committee on Labor

LD 49

An Act to Exempt Contract Dance Instructors and National Service Volunteers from the Unemployment Tax

**PUBLIC 431
EMERGENCY**

Sponsor(s)
JOYCE

Committee Report
OTP-AM

Amendments Adopted
H-525 HATCH

LD 49 proposed to exempt from the definition of "employment" for unemployment compensation purposes dance instructors who provide instruction to students of a dance studio under the terms of a contract.

Committee Amendment "A" (H-483), which was not adopted, proposed additional criteria that contract dance instructors must meet in order to qualify for the exception to the definition of employment for unemployment compensation purposes.

House Amendment "A" (H-525) proposed the same additional criteria contained in the committee amendment and also proposed to provide that national service volunteers serving in Maine projects or programs, e.g., AmeriCorps*USA and AmeriCorps*VISTA, and receiving stipends are not employees under state law. This amendment also proposed to add an emergency preamble to the bill.

Enacted law summary

Public Law 1997, chapter 431 exempts from the definition of "employment" for unemployment compensation purposes dance instructors who provide instruction to students of a dance studio under the terms of a contract and meet other specified criteria. This law also provides that national service volunteers serving in Maine projects or programs, e.g., AmeriCorps*USA and AmeriCorps*VISTA, and receiving stipends are not employees under state law. Chapter 431 was enacted as an emergency measure effective on June 10, 1997.

LD 60

An Act to Provide for the Collection of Data Relating to the Risks from Exposure to Chemicals in the Workplace

ONTP

Sponsor(s)
MERES

Committee Report
ONTP

Amendments Adopted

LD 60 proposed to require the Department of Labor, Bureau of Labor Standards to collect and compile data regarding the level of chemical exposures in industrial settings and various service sector businesses. The bill also would have required the Bureau of Labor Standards to report to the Joint Standing Committee on Labor by November 15, 1998 on the collection of these data.

LD 66 **An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike** **VETO SUSTAINED**

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

LD 66 proposed to repeal the provisions in current law that attempt to restrict an employer's right to hire replacement workers during a labor dispute. The bill proposed to retain only those provisions that relate directly to deterrence of violence during a labor dispute. The bill also would have required that a contract between an employer and replacement workers must provide that when the strike is settled or if the employees offer unconditionally to return to work, the replacement workers will not be retained in preference to the strikers.

Senate Amendment "A" (S-167), which was not adopted, proposed to limit the restriction on the retention of replacement workers so that the restriction would not apply if the strike extended beyond 45 days.

LD 75 **An Act to Provide that the Change in Calculation of Workers' Compensation Benefits to Include Fringe Benefits Does Not Apply Retroactively** **ONTP**

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

The Workers' Compensation Act of 1992 changed the definition of average weekly wage so that the value of certain fringe benefits provided by the employer must be included if it does not raise the employee's average weekly wage over two-thirds of the statewide average. In Beaulieu v. Maine Medical Center, 675 A.2d 110 (Me. 1996), the Maine Law Court held that the new definition applies retroactively to pre-1993 injuries. LD 75 proposed changes so that the new definition would not apply to injuries occurring prior to January 1, 1993.

LD 86 **An Act to Clarify Eligibility for State Employee Health Insurance Program Benefits** **P & S 9 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R	OTP-AM	H-11

LD 86 proposed to provide otherwise ineligible state employees with continued health insurance benefits under the state group health plan if they were laid off within one year of their normal retirement date.

Committee Amendment "A" (H-11) replaced the bill and accomplished the purpose of the bill in a different manner. Under current law, state employees who retire with at least one year of continuous service immediately before retirement are eligible for health insurance coverage under the state group health plan. Like the original bill, the amendment provided for continued health insurance coverage under the state group plan for certain employees who are laid off shortly before retirement. The amendment applied to a very small number of state employees laid off as a

result of the recommendations of the Productivity Realization Task Force. The amendment required that for continued insurance coverage to be available:

1. The layoff must have occurred between July 1, 1995 and December 31, 1996;
2. The layoff must have occurred within one year of the employee's normal retirement age. The new coverage will not be available to employees who retire significantly before normal retirement age;
3. Following layoff, the employee retired at normal retirement age; and
4. The employee paid the costs of the insurance coverage from the date of layoff to normal retirement age.

Enacted law summary

Private and Special Law 1997, chapter 9 provides for continued health insurance coverage under the state group health plan for the small number of state employees who were laid off in 1995 and 1996 within one year of the employees' normal retirement date as a result of the recommendations of the Productivity Realization Task Force. Chapter 9 was enacted as an emergency measure effective March 28, 1997.

LD 96 An Act to Exempt Seasonal Golf Course Employees from the ONTP
Unemployment Compensation Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTH FERGUSON	ONTP	

LD 96 proposed to exempt from the definition of "employment" for unemployment compensation purposes persons who work at golf courses that operate for six or fewer months a year. The seasonality exclusion will be addressed by the Commission to Study the Unemployment Compensation System, established by LD 332.

LD 101 An Act to Allow Public Safety Employees to Purchase Their ONTP
Military Time for Retirement Purposes

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

LD 101 would have broadened the ability of State Police officers to purchase service credit for time spent in military service before becoming a retirement system member. Currently such military service time may be purchased only if the military service occurs during a "federally recognized period of conflict," as that term is defined by law, and all State employee and teacher members may purchase that "federally recognized period" time as well.

LD 113

An Act to Prohibit the Employment of Professional Strikebreakers

**VETO
SUSTAINED**

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

LD 113 proposed to prohibit the recruitment or employment of professional strikebreakers. The bill defined the term "professional strikebreaking activity" so that the bill would apply only to those persons or organizations that have made a practice of supplying replacement workers during labor disputes. The proposed prohibition could be enforced through a civil action filed by any interested party. The bill would have provided that employment of replacement workers as security guards or as maintenance workers is exempt from the prohibition, as would be the employment of permanent employees who choose to work during a strike. LD 113 also proposed to repeal the current law that provides that the employment during a strike of a person who customarily and repeatedly offers services in place of a striking worker is a crime, punishable by a fine of up to \$300 or 180 days in jail, or both.

LD 136

An Act to Require Workers' Compensation Hearings within 30 Days of a Request

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	ONTP	
RAND		

LD 136 proposed that the expedited procedure provided by the Workers' Compensation Board in cases of discontinuance or reduction of benefits must include the opportunity for a hearing within 30 days of a request of any party.

LD 138

An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Worker Reinstatement Rights

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODWIN	ONTP	
RAND		

LD 138 proposed to amend the Maine Workers' Compensation Act of 1992 regarding worker reinstatement rights. It proposed to repeal language that specifies that an employer is not obligated to reinstate an employee in supervisory or confidential positions.

LD 147

An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Fewer Than 6 Months

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN RAND	OTP-AM MAJ ONTP MIN	H-657

LD 147 proposed to change the labor relations laws governing municipal public employees and the University of Maine System and Maine Technical College System employees so that a person who has been employed for fewer than 6 months would not be excluded from the protection of the collective bargaining laws.

Committee Amendment "A" (H-657) Proposed to retain current law excluding persons employed fewer than six months from the definition of "public employee" under the Municipal Employees Labor Relations Act, the act governing municipal and county labor relations. The amendment would have removed the six-month exclusion from the University of Maine System Labor Relations Act, but make that provision applicable only to collective bargaining contracts executed or renewed on or after September 1, 1997.

LD 163

An Act to Shift from Small Business Owners to the Department of Labor the Responsibility for Providing the Department of Human Services with Information on New Employees

ONTP

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

LD 163 proposed to repeal the section of law that requires an employer to report the hiring, rehiring or return to work of an employee to the Department of Human Services. The bill also would have required the Department of Labor to report information it receives from employers on the hiring, rehiring or return to work of employees to the Department of Human Services.

LD 168

An Act to Amend the Eligibility Requirements for Collecting Unemployment Benefits

ONTP

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

LD 168 proposed to permit an individual whose entitlement to unemployment benefits is based on part-time employment to limit the individual's job search to part-time employment and remain eligible for unemployment benefits. Under current law, an individual must be available to accept full-time employment in order to be entitled to draw unemployment benefits. This issue will be considered by the study commission created in LD 332.

LD 173

An Act to Provide Disclosure of the Bureau of Unemployment Compensation Records and Reports to Authorized Agents

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R CATHCART	ONTP	

LD 173 would have required state and local child-support enforcement agencies or their authorized agents to obtain access to employment security records for the purpose of expanding procedures relating to establishing paternity or for establishing, modifying or enforcing child-support orders. This bill is related to the federal Public Law 104-193, commonly called the welfare reform bill, enacted in August of 1996.

LD 174

An Act to Increase Health Insurance Benefits for Retired Educators CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMAIRE NUTTING		

LD 174 proposes to increase the State's contribution for health insurance for retired educators from 25% to 30% of the cost of the insurance coverage.

Committee Amendment "A" (H-154) would have added an appropriation section to the bill to fund the increased cost to the State.

The bill, which received a divided report from the committee, was initially engrossed as amended by the committee amendment and sent to the Special Appropriations Table. At the end of the session, rather than fund the bill, the bill was recommitted to the Appropriations Committee and carried over by that committee to the Second Regular Session. LD 277 was a related bill.

LD 177

An Act to Amend the Child Labor Laws as They Pertain to Employment of Minors 15 Years of Age

PUBLIC 347

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR BENOIT	OTP-AM MAJ ONTP MIN	H-478

LD 177 proposed to amend the child labor laws to prohibit minors 14 years of age from working in a restaurant or eating place. It also would allow minors 15 years of age to work in the kitchens, dining rooms, lobbies and offices of motels year round rather than just in the summer.

Committee Amendment "A" (H-478) Proposed to delete from the original bill the prohibition on minors 14 years of age working in a restaurant or eating establishment.

Enacted law summary

Public Law 1997, chapter 347 permits minors 15 years of age to work in the kitchens, dining rooms, lobbies and offices of motels year round rather than just in the summer. This chapter also prohibits 14 year olds from working in the manufacturing and retailing of frozen dairy products. This latter change was subsequently repealed in LD 1902.

LD 178 **An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR SMALL	ONTP	

LD 178 proposed to change the overtime law to allow an employer to have an employee work 44 hours in a single workweek without overtime compensation followed by 36 hours in the subsequent workweek, resulting in a two-week work period equal to 80 hours. The bill proposed procedures to ensure that each employee freely consented to such a compressed workweek arrangement.

LD 189 **An Act to Exempt Companies That Employ 5 People or Fewer from Carrying Workers' Compensation Insurance** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VIGUE MITCHELL B	ONTP	

LD 189 proposed to allow employers of five or fewer employees to choose not to utilize the workers' compensation system and would have required those employers to maintain liability insurance, health care coverage and disability income coverage. Employers who elect the option proposed in the bill would still be responsible for assessment under the Maine Revised Statutes, Title 24-A, chapter 26, the "fresh start" provisions of workers' compensation insurance.

LD 196 **An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers** **CARRIED OVER**

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

LD 196 proposed to require the Maine State Retirement System to pay Medicare Part B premiums for state employees and teachers who are automatically transferred from state-paid health insurance coverage to Medicare when they reach 65 and become eligible for Social Security. The bill was carried over.

LD 270 **An Act to Have Taxi Drivers Deemed as Independent Contractors** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN PINKHAM R	ONTP	

LD 270 proposed to exempt taxi drivers who own and operate their own vehicles as taxis from the definition of employment for unemployment compensation purposes.

LD 277 **An Act to Require the State to Pay the Full Insurance Premium for Retired Public School Teachers** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER J CATHCART	ONTP	

LD 277 proposed to increase the State’s contribution for health insurance for retired teachers from 25% to 100% of the retiree’s share of the premiums. LD 174 was a related bill.

LD 298 **An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1998** **P & S 12
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-176

LD 298 proposed the annual operating budget for The Maine State Retirement System for fiscal year 1997-98. The Retirement System is required by law to present its annual operating budget to the Legislature for approval. The bill identified the system's Personal Services costs and its costs for All Other operating expenses. The bill also attributed the expenses of the system among General Fund, Non-General Fund, and Participating Local District and Group Life Insurance accounts.

Committee Amendment "A" (H-176) proposed approval of collective bargaining agreements for FY 1997-98 to FY 1999-2000 as required by law and increased the allocation of funds to the Maine State Retirement System for administrative operating expenses by \$131,251 in fiscal year 1997-98 to fund the recently ratified collective bargaining agreements with the system's administrative services, professional-technical and supervisory employees during that year. The increased allocations are authorized to be spent from excess administrative operating funds. The amendment also authorized the use of \$500,000 in reserve administrative operating funds to reduce General Fund charges for administrative expenses attributable to the teachers' retirement program in fiscal year 1997-98. The amendment also authorized the retirement system to expend up to \$1,200,000 in reserve administrative operating funds on a temporary project to automate member records and files.

Enacted law summary

Private and Special Law 1997, chapter 12 is the Maine State Retirement Systems annual operating budget for the 1997-98 fiscal year. Legislative approval of the annual budget is required by law. As also required by law, chapter 12 approves the recently ratified collective bargaining agreement with the system's administrative services, professional-technical and supervisory employees. This law also authorizes use of reserve administrative operating funds during FY 1997-98 in the following amounts for the following uses: (1) \$131,251 to fund the collective bargaining agreement, (2) \$500,000 to reduce General Fund charges for administrative expenses attributable to the teacher retirement program and (3) up to \$1.2 million to fund a temporary records automation project. Chapter 12 was enacted as an emergency measure effective July 1, 1997.

**LD 300 An Act to Prohibit an Employer from Hiring Replacement Workers CARRIED OVER
During a Strike**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON CATHCART		

LD 300 proposes to prohibit an employer from hiring replacement workers during a labor dispute. This bill also proposes to repeal that provision of current law that makes it a Class D crime for a person involved in a labor dispute to be armed with a dangerous weapon. This bill was carried over to the Second Regular Session.

**LD 321 An Act to Amend the Maine Workers' Compensation Act of 1992 as DIED BETWEEN
It Relates to Compensation for Total Incapacity BODIES**

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

LD 321 proposed to amend the Maine Workers' Compensation Act of 1992 to provide a lump sum benefit in addition to the current weekly benefit when the employee's injury is an amputation or total loss of function of a body part. The amount of the lump sum benefit would be equal to the amount of the weekly benefit times the period of presumed incapacity.

Committee Amendment "A" (H-616) proposed to limit the benefits payable under the bill to amputations by eliminating the availability of benefits when there is functional loss of a body part.

LD 329

Resolve, Directing the Commissioner of Labor to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Pay Discrimination Based on Gender

RESOLVE 43

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH MILLS	OTP-AM	H-588

LD 329 proposed to direct the Commissioner of Labor to adopt rules to implement the provisions of the Maine Revised Statutes, Title 26, section 628 prohibiting discrimination in pay on the basis of gender.

Committee Amendment "A" (H-588) proposed that the Commissioner of Labor consult with the Maine Human Rights Commission in developing the rules and required the rules to be submitted to the Joint Standing Committee on Labor by March 1, 1998. The amendment also proposed that the Department of Labor enforce the rules within currently available resources.

Enacted law summary

Resolves 1997, chapter 43 directs the Commission of Labor to adopt rules in consultation with the Maine Human Rights Commission to implement the provisions of the Maine Revised Statutes, Title 26, section 628 prohibiting discrimination in pay on the basis of gender. The Department of Labor is required to enforce those rules within currently available resources.

LD 332

Resolve, to Establish the Commission to Study the Unemployment Compensation System

**RESOLVE 65
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH DAGGETT	OTP-AM	H-549 S-358 MICHAUD

LD 332 proposed to direct the Commissioner of Labor to study the unemployment compensation program to assess whether it is meeting the changing needs of the labor force and the business community. The commissioner would be required to study the seasonality exclusion, disqualification of persons who lose work because of child care or transportation problems, the extended benefit trigger, and benefit duration for the dislocated worker benefit program. The proposed date for a report from the commissioner is December 1, 1997.

Committee Amendment "A" (H-549) proposed to create the Commission to Study the Unemployment Compensation System, made up of four Legislators, the State Advisory Council, the Commissioner of Labor and one member representing women's issues, to assume responsibility for studying the issues identified in the original resolve. The amendment proposed to have the following issues also studied: the solvency of the unemployment compensation fund, the experience rating system, the disqualification of persons who seek part-time work, and minimum earnings thresholds. The amendment proposed to change the reporting date from December 1, 1997 to February 1, 1998, and authorized both the commission and the Labor Committee to recommend legislation. The amendment also proposed to add an emergency preamble.

Senate Amendment "A" to Committee Amendment "A" (S-358) proposed to change the reporting date to January 1, 1998, limit per diem and expenses to commission members who are Legislators, and limit the commission to 4 meetings.

Enacted law summary

Resolve 1997, chapter 65 establishes the Commission to Study the Unemployment Compensation System, made up of four Legislators, the State Advisory Council, the Commissioner of Labor and one member representing women’s issues, to assess whether the changing needs of the labor force and the business community are being met. The Commission may meet up to four times to study and make recommendations regarding the following issues: the seasonality exclusion, disqualification of persons who lose work because of child care or transportation problems, the extended benefit trigger, and benefit duration for the dislocated worker benefit program, the solvency of the unemployment compensation fund, the experience rating system, the disqualification of persons who seek part-time work, and minimum earnings thresholds. The Commission must report to the Labor Committee by February 1, 1998, with its recommendations and any necessary legislation. Resolve, chapter 65 was enacted as an emergency measure effective on June 12, 1997.

LD 336 An Act Regarding Survivor Benefits in the Event of Divorce and ONTP
Remarriage

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO SMALL	ONTP	

LD 336 proposed to eliminate from the current law governing survivor benefits paid by the Maine State Retirement System the requirement that a spouse or former spouse who was originally named retirement beneficiary must agree to a change of beneficiary after a divorce. The bill allows a recipient of a reduced service retirement benefit to name a new beneficiary after a divorce without the permission of the former spouse.

LD 346 An Act to Exempt Retail Shoe Store Employees Who Are Paid on a ONTP
Commission Basis from the Minimum Wage Laws

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

LD 346 proposed to exempt retail shoe store employees whose pay is at least one and one-half times the minimum wage from the overtime provisions of the minimum wage laws.

LD 347

An Act to Require Overtime Pay for Employees of Large Agricultural Employers

PUBLIC 136

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMAIRE	OTP-AM MAJ	H-155
JENKINS	ONTP MIN	

LD 347 proposed to remove the exemption from the overtime pay requirements for agricultural employers employing 75 or more individuals for at least 180 days per year. The bill also proposed to provide that if an individual performs work subject to the overtime requirement and work exempt from the overtime requirement during the same workweek, the employer must pay overtime for all hours worked over 40 hours that week.

Committee Amendment "A" (H-155) proposed to replace the original bill with a provision requiring overtime pay for individuals employed at an egg processing facility with more than 300,000 laying birds. The amendment proposed to delete from the original bill a provision that would have required all hours worked by an employee to be subject to the overtime pay requirements when the employee performs both exempt and nonexempt work within the same workweek.

Enacted law summary
Public Law 1997, chapter 136 requires the payment of overtime pay for individuals employed at an egg processing facility with more than 300,000 laying birds.

LD 355

An Act to Further Define Disqualification for Unemployment Benefits

ONTP

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

LD 355 proposed to disqualify a temporary employee for unemployment compensation benefits if the temporary employment did not exceed 12 weeks and the terms of the employment were outlined in a written agreement signed by the individual and the employer. The disqualification would end, however, if the employer enters into a subsequent temporary employment agreement with that individual within a 12-month period.

Committee Amendment "A" (H-617), which is the minority report of the committee, proposed to remove the provision in the original bill that would disqualify from unemployment benefits persons who accept temporary employment. In its place, the amendment proposed to substitute an increase from five to 12 in the number of weeks an employee must work for an employer before the employer's experience rating record may be charged with unemployment benefits for that employment. This amendment was not adopted. This issue will be considered by the Study Commission created by LD 332.

LD 358

**An Act to Restore State Funding for Mediation Services Provided
by the Maine Labor Relations Board**

ONTP

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

LD 358 proposed to restore state funding for the first three days of mediation services provided by the State under the municipal public employees labor relations laws.

Committee Amendment "A" (H-150) which is the majority report of the committee proposed to restore the mechanism, which was stricken in the original bill, by which the Executive Director of the Maine Labor Relations Board collects costs from the parties before authorizing services to be rendered. This amendment was not adopted.

LD 373

**Resolve, to Exempt Matthew Scott from Maine State Retirement
System Restrictions on Income Earned as Deputy Commissioner of
Inland Fisheries and Wildlife**

ONTP

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

LD 373 would have exempted Matthew Scott from the current law governing return by a retiree to covered state service. The salary of Mr. Scott's new position, Deputy Commission in the Department of Inland Fisheries and Wildlife, exceeds the earnings limit established in law for a retiree who returns to service. Under the proposed law he could continue to work and draw a salary but would have to stop drawing his retirement benefits and would have to rejoin the retirement system.

LD 389

**An Act to Exclude from the Definition of "Employment" Services
Provided by Lessees of Taxicabs**

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURRAY	OTP-AM	S-237

LD 389 proposed to exclude from the definition of employment for unemployment benefits and tax purposes those services performed by lessees of taxicabs.

Committee Amendment "A" (S-237) proposed to clarify the intent of the original bill by specifying that lessees of taxicabs are excluded from the definition of employment for unemployment compensation purposes only if their employment is not subject to federal unemployment tax. The amendment also proposed to clarify that an exemption from unemployment compensation has no bearing on the question of whether a taxicab lessee is an independent contractor for workers' compensation purposes.

Enacted law summary

Public Law 1997, chapter 349 provides that lessees of taxicabs are excluded from the definition of employment for unemployment compensation purposes if their employment is not subject to federal unemployment tax. The law also specifies that an exemption from unemployment compensation has no bearing on the question of whether a taxicab lessee is an independent contractor for workers' compensation purposes.

LD 402 An Act to Amend the Family Medical Leave Laws PUBLIC 546

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-379 MICHAUD S-88

LD 402 proposed to make certain definitions in the State's family medical leave laws conform to the definitions in the federal Family and Medical Leave Act of 1993. This bill also proposed to allow the award of attorney's fees, expert witness fees and other costs of a civil action to enforce the law.

Committee Amendment "A" (S-88) proposed to delete the language in the bill that would give the court discretion to award reasonable attorney's fees, reasonable expert witness fees and other costs of the civil action. It also proposed to add an appropriation section and a fiscal note to the bill to reflect the costs of updating the employment law notice published and distributed by the Department of Labor.

Senate Amendment "A" to Committee Amendment "A" (S-379) proposed that the Department of Labor would not have to incur the costs of updating and distributing the employment law notice until the current supply is depleted.

Enacted law summary

Public Law 1997, chapter 546 makes certain definitions in the State's family medical leave laws conform to the definitions in the federal Family and Medical Leave Act of 1993. The law also provides that the Department of Labor need not update and distribute the employment law notice until the current supplies of the posters have been depleted.

LD 411 An Act to Bring Certain State Retirement Laws into Compliance with Federal Laws PUBLIC 192 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-134

LD 411 proposed required that assets under a deferred compensation plan offered to public employers be held in trust for the exclusive benefit of plan participants and their beneficiaries. This change makes state law consistent with federal law changes enacted as part of the Federal Small Business Protection Act of 1996. See also LD 937 referred to the State and Local Government Committee which proposed changes in the State's deferred compensation plan.

Committee Amendment "A" (S-134) provided for the treatment of custodial accounts, annuity contracts and other contracts for deferral of employee compensation under the State's deferred compensation plan as trusts consistent with federal law. This amendment also added an emergency preamble and clause to the bill.

Enacted law summary

Public Law 1997, chapter 192, consistent with recent changes in federal law, declares that employee compensation and earnings thereon under a deferred compensation plan offered to public employees must be held in trust for the exclusive benefit of those employees and their beneficiaries. Chapter 192 was enacted as an emergency measure effective May 15, 1997.

LD 419 **An Act to Change the Weekly Employee Pay Requirement in State Law** **ONTP**

<u>Sponsor(s)</u> CATHCART		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 419 proposed to allow employers required to pay on a weekly basis to apply for a waiver from the weekly pay requirement. It also adds commercial laundries and dry-cleaning establishments to the industries covered by that requirement.

LD 452 **An Act to Protect the Rights of Employees Who Volunteer Their Time as Firefighters** **ONTP**

<u>Sponsor(s)</u> JONES SA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 452 proposed to prohibit an employer from penalizing an employee who is absent from work to perform volunteer firefighting duties if the employee has provided proper notice to the employer. The bill would have given the employer the option of whether this should be paid or unpaid time. The bill proposed to allow the employee to bring a civil action for damages or seek equitable relief if the employer did not comply.

LD 454 **An Act to Amend the Drug Testing Program Approval Laws** **PUBLIC 49**

<u>Sponsor(s)</u> HATCH		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 454 proposed to allow the Department of Labor to create through rule-making model substance abuse testing policies for testing applicants and testing employees when probable cause has been determined to exist. The rules adopted under this proposal may provide for expedited approval of the testing policies for employers adopting the model policies.

Enacted law summary

Public Law 1997, chapter 49 allows the Department of Labor to develop model substance abuse testing policies for testing applicants and employees when probable cause has been determined to exist. The rules under which these model policies must be developed may provide for expedited approval of the drug testing policies for those employers adopting the model policies.

LD 462 An Act to Require Employers to Pay the Legal Fees of an Employee Who Wins a Workers' Compensation Case ONTP

<u>Sponsor(s)</u> AHEARNE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 462 proposed to return to the "prevail" standards that controlled the payment of attorney's fees prior to the changes contained in the Maine Workers' Compensation Act of 1992. The bill proposed to require the employer to pay the employee's attorney's fees in workers' compensation cases in which the employee ultimately receives a benefit greater than that offered by the employer by the conclusion of mediation.

LD 568 An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Raising the Minimum Wage CARRIED OVER

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 568 proposes a new state minimum wage consisting of a base wage that is 25 cents per hour more than the federal minimum wage. The bill also proposes to provide an annual adjustment based on the increase in the state average weekly wage. This bill was carried over along with LD 633 and LD 688.

LD 577 An Act Increasing the Number of Members of the Board of Trustees of the Maine State Retirement System ONTP

<u>Sponsor(s)</u> O'NEAL	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 577 proposed to add two voting members to the Board of Trustees of the Maine State Retirement System, one of whom is a member of the retirement system and is appointed by the American Federation of State, County and Municipal Employees, Council 93 and one of whom is a member of the retirement system and is appointed by the Maine School Management Association. Currently the board consists of seven voting members and the State Treasurer as an ex officio, non-voting member. The bill also proposed to increase the number of board members needed for a quorum from four to five and the minimum number of votes to take action from four to five.

LD 596

An Act to Require the Department of Labor to Ensure That Housing Provided as an Incident of Employment by Agricultural Employers Meets Minimum Standards of Habitability

PUBLIC 387

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMAIRE RAND	OTP-AM	H-484

LD 596 proposed to require the Department of Labor, Bureau of Labor Standards to adopt rules regarding the condition of housing provided to workers by employers of agricultural labor who provide housing to 75 or more workers for more than 180 days a year. The rules would have to be at least as stringent as the regulations on housing promulgated by the federal Department of Labor, Occupational Safety and Health Administration under the federal Migrant and Seasonal Agricultural Worker Protection Act. The bill proposed to allow an action to enforce the standards to be brought by either the State or a private party.

Committee Amendment "A" (H-484) proposed to change the content of the rules to be adopted by the Department of Labor, Bureau of Labor Standards to make them identical to the federal housing regulations adopted under the authority of the federal Migrant and Seasonal Agricultural Worker Protection Act. The amendment also proposed to change the application of the rules to housing facilities of agricultural employers who house more than five employees and whose housing habitability standards are not already governed by the federal housing regulations. The amendment also proposed to give the Department of Human Services the authority to perform the duties of local health officers, including inspections, when the local health officer fails to perform those duties.

Enacted law summary

Public Law 1997, chapter 387 requires the Department of Labor, Bureau of Labor Standards to adopt rules regarding the condition of housing facilities of agricultural employers who house more than five employees. The rules must be identical to the regulations on housing promulgated by the federal Department of Labor, Occupational Safety and Health Administration under the federal Migrant and Seasonal Agricultural Worker Protection Act and only apply to housing facilities not already governed by the federal law. The law permits an action to enforce the housing standards to be brought by either the State or a private party. Chapter 387 also gives the Department of Human Services the authority to perform the duties of local health officers, including inspections, when the local health officer fails to perform those duties.

LD 624

An Act to Expand the Family Medical Leave Laws

PUBLIC 515

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART HATCH	OTP-AM MAJ ONTP MIN	S-235 S-371 MICHAUD

LD 624 proposed to require that leave be allowed for attendance at parent-teacher conferences. The bill also proposed to expand the coverage of the family medical leave laws by reducing the threshold for covered employers from 25 employees to 15 employees at the worksite.

Committee Amendment "A" (S-235) proposed to strike from the original bill the provision that includes parent-teacher conferences among the authorized reasons for family medical leave. It also adds an appropriation section to reflect the costs of updating and distributing a printed notice of the law to employers in the State.

Senate Amendment "A" to Committee Amendment "A" (S-371) This amendment proposed to allow the Department of Labor to wait until there is an insufficient supply of notices to provide the updated version rather than having to reprint and distribute a full supply immediately. The amendment removed the appropriation section from the bill.

Enacted law summary

Public Law 1997, chapter 515 expands the coverage of the family medical leave laws by reducing the threshold for covered employers from 25 employees to 15 employees at the worksite. The Department of Labor may wait until there is an insufficient supply of notices of employment law to provide the updated version rather than having to reprint and distribute a full supply immediately.

LD 625 **An Act to Clarify the Laws Governing the Calculation of Interest on Decrees under the Workers' Compensation Laws** **ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 625 proposed to simplify the payment of simple interest on overdue workers' compensation benefits by replacing two different rates of interest required under current law. The bill proposed a rate of 1% per month for each full calendar month that the benefit payment has been due and gives a period of grace for the month in which each benefit first accrues. Benefits payable within each calendar month are treated as a single award with interest to accrue only from the end of the month forward. The bill proposed changes to clarify that the same rate applies to both medical bills and wage benefits included within the award. The method of calculation proposed in the bill would apply to all workers' compensation obligations arising after the effective date of the bill regardless of the date of injury.

LD 630 **An Act to Create a Toll-free Number for Regional Unemployment Offices** **ONTP**

<u>Sponsor(s)</u> TUTTLE CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 630 proposed to require the Commissioner of Labor to set up a toll-free telephone number so that individuals and employers may transact business with the appropriate unemployment office without having to make a long-distance telephone call.

LD 632 **Resolve, Directing the Department of Public Safety to Study the Issue of a Retirement Program for Firefighters** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JONES SA	ONTP	

LD 632 proposed that the Department of Public Safety convene a task force for the purpose of studying the issue of a retirement program for firefighters.

LD 633 **An Act to Provide a Cost-of-living Adjustment to Minimum Wage Earners** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH CATHCART		

LD 633 proposes that the State's minimum hourly wage be increased each year by the amount of the percentage increase in the Consumer Price Index. This bill was carried over along with related bills, LD 568 and LD 688.

LD 659 **An Act to Authorize Members of the Maine State Retirement System to Combine Years of Service Under Different Plans** **ONTP**

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

LD 659 proposed to allow teachers who were employed as teacher aides and covered under a participating local district plan prior to July 1, 1989 to have creditable service earned as a member of the participating local district transferred to the member account established under the Maine State Retirement System and counted as service as a teacher. If the member's contribution rate as a teacher aide was lower than it would have been for the same period as a teacher, the member would have to make additional contributions as necessary to equalize the rate.

See LD 1027 dealing with the same subject which was enacted as Public Law 1995, c. 161.

LD 677 **An Act Regarding the Penalty for Failure to Allow a Terminated Employee to Review Certain Files** **PUBLIC 420**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	OTP-AM MAJ ONTP MIN	S-300

LD 677 proposed to make a number of changes to the law that requires an employer to permit an employee or former employee to review and copy that person's personnel file. It proposed to increase the amount of the civil forfeiture \$25

to \$50 per day, to remove the \$500 cap on the forfeiture and to make it payable to the employee. The bill also would allow an employee to bring an action in the District Court or the Superior Court to recover the civil forfeiture and seek equitable relief, including an injunction. The bill also proposed to authorize the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee.

Committee Amendment "A" (S-300) proposed to keep the civil forfeiture at \$25 per day, retain the \$500 total cap on forfeitures and remove the language in the bill making the forfeiture payable to the employee. This amendment limits the employee's civil remedy to equitable relief and limits the recovery of costs of suit and attorney's fees from the employer to suits in which the employee receives a judgment in the employee's favor.

Enacted law summary

Public Law 1997, chapter 420 makes a number of changes to the law that requires an employer to permit an employee or former employee to review and copy that person's personnel file. It allows an employee to bring an action in the District Court or the Superior Court to seek an injunction or other equitable relief the court considers appropriate. It authorize the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee if the judgment is in the employee's favor.

LD 683 **An Act to Increase the Penalties for Violations of State Wage and Hour Laws** **ONTP**

<u>Sponsor(s)</u> HATCH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 683 proposed to allow the Attorney General to seek the license revocation of any business that violates the minimum wage laws of this State or similar federal provisions, including signing a consent decree to that effect, two or more times in a 10-year period.

LD 688 **An Act to Increase Maine's Minimum Wage** **CARRIED OVER**

<u>Sponsor(s)</u> VOLENIK RAND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 688 proposes to raise the minimum wage to \$5.60 per hour effective January 1, 1998 and to \$6.05 per hour effective January 1, 1999. This bill was carried over along with LD 568 and LD 633.

LD 752

An Act to Include in the Legislative and Judicial Retirement Systems the Same Provisions for Post-retirement Divorce That Are in the Maine State Retirement System

PUBLIC 55

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

LD 752 proposed that a retiree from the Legislative or Judicial Retirement Systems and the retiree’s spouse who are divorced after retirement may agree to change the retiree's designation of the former spouse as retirement beneficiary. A change could be made only if the former spouse is in agreement, and the former spouse must be counseled by retirement system staff as to the financial effect of giving up beneficiary status and rights.

Enacted law summary

Public Law 1997, chapter 55 enacts into the laws governing the Judicial and Legislative Retirement Systems the same amendments enacted last year into the State employee/teacher and PLD plans. These amendments allow a member who is divorced before retirement, who later retires and names his/her former spouse as retirement beneficiary and who still later wishes to change his/her retirement beneficiary to do so if the former spouse agrees to being removed as beneficiary and if the statutory counseling procedure is followed.

LD 756

An Act to Continue the Participating Local District Consolidated Plan Advisory Committee

**PUBLIC 12
EMERGENCY**

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

LD 756 proposed the continued existence of the advisory committee. The law establishing the Participating Local District Advisory Committee was inadvertently allowed to lapse in 1996. The advisory committee, made up of participating local district employer and employee representatives, is essential to the operation of the consolidated plan for participating local districts.

Enacted law summary

Public Law 1997, chapter 12 revives and provides for the continued existence of the Local District Advisory Committee which was inadvertently allowed to sunset last year.

LD 765

An Act to Prohibit the Use of Polygraph Tests by Employers in the Hiring Process

ONTP

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

LD 765 proposed to prohibit all employers from requiring prospective employees to take polygraph tests as part of the hiring process or promotion.

LD 830 **Resolve, Directing the Workers' Compensation Board to Study the Effect on Injured Workers of Delayed Medical Treatment and Payment of Valid Claims by Insurance Companies** **ONTP**

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

LD 830 proposed to direct the Workers' Compensation Board to design and conduct a study on the frequency and impact of delays in the initial payment of benefits to injured workers. The study proposed must address whether the delays in benefit payment lengthen the period of disability, increase medical costs or interfere with successful rehabilitation of the injured worker. The bill required a report to be submitted by February 15, 1999 to the Joint Standing Committee on Labor.

LD 835 **Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law** **CARRIED OVER**

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

LD 835 proposes to direct the Worker' Compensation Board to study certain unique issues involved in providing workers' compensation benefits to employees under the Occupational Disease Law and to make recommendations as necessary to ensure the purposes of the Workers' Compensation Act of 1992 are achieved with respect to occupational diseases. The issues the resolve identifies are proof of causation when the disease is believed to be caused by hazardous materials, problems related to long latency periods, apportionment of liability, and provision of benefits when there is no lost work time. The resolve proposes that the Workers' Compensation Board report by January 1, 1999 to the joint standing committee having jurisdiction over labor matters. This resolve was carried over to the Second Regular Session.

LD 840 **An Act to Have State Wage Laws Conform with the Federal Small Business Job Protection Act of 1996** **DIED IN CONCURRENCE**

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

LD 840 proposed to amend Maine law to parallel changes that were recently made to federal wage laws in the Small Business Job Protection Act of 1996. The bill proposed to make the required wage for tipped employees the same as required under federal law. The bill also would have permitted the payment of an opportunity wage of \$4.25 an hour to certain employees under 20 years of age for the first 90 days of employment. The bill would have required the

Department of Labor and the Department of Administrative and Financial Services, Bureau of Taxation to review the entire Small Business Job Protection Act of 1996 and report to the Joint Standing Committee on Labor and the Joint Standing Committee on Taxation on the financial and policy implications of amending Maine law to further conform with the federal act.

Committee Amendment "A" (H-477), which was not adopted, proposed to remove the provision in the original bill that permitted the payment of an opportunity wage of \$4.25 per hour to employees under the age of 20 for their first 90 days of employment.

LD 870 **An Act to Protect Pension Benefits of Participating Local District Members** **ONTP**

<u>Sponsor(s)</u> RAND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 870 proposed to prohibit a participating local district from reducing its contribution toward employee retirement below the level in effect on October 1, 1997. The bill also provided that once a member is hired, the member is entitled, at a minimum, to the level of benefits provided by statute on the member's date of hire.

LD 878 **An Act to Further Facilitate the Purchase of Service Credit in the Maine State Retirement System** **PUBLIC 190**

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-136
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LD 878 proposed to allow members of the Maine State Retirement System to purchase service credit for time during which the member was on an unpaid or partially paid educational leave. Members would be required to pay the actuarial cost for this service credit so that there is no cost to the State.

Committee Amendment "A" (S-136) like the bill, authorized state employees to purchase service credit in the Maine State Retirement System for time spent on unpaid or partially paid educational leave under the Maine Educational Leave Act. The amendment codified the new language in a separate statutory section to avoid confusion with other purchase of service credit provisions and required that the member must return to state service following the educational leave. The amendment restricted use of the service credit purchased to benefit calculation; the additional credit may not be used for vesting or determination of eligibility for retirement purposes. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 190 allows members of the Maine State Retirement System to purchase service credit for time spent on unpaid or partially paid educational leave, provided the member returns to state service and pays the full actuarial cost of the increased benefit and that the service credit purchased is used to only increase retirement benefits due.

LD 879 **An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals** **ONTP**

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

LD 879 proposed to require employers to maintain a number of workplace standards with respect to video display terminals. It would have required an employer to locate video display terminals in such a way as to reduce glare on the video display screen caused by reflected light. If the glare continued to be unacceptable to the operator, the employer would have been required to take additional steps to limit glare. The bill proposed to require employers to provide swivel chairs for operators, unless the operator specifically declined such a chair, and would have required employers to provide paid leave for vision examinations and flexible work breaks for video display terminal operators. The bill also proposed enforcement and penalty provisions.

LD 901 **An Act to Allow Minors under 16 Years of Age to Work at Certain Commercial Places of Amusement** **PUBLIC 353
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KERR PENDLETON P	OTP-AM	H-518

LD 901 proposed to allow minors who are 15 years of age or older to work at games of skill at commercial places of amusement.

Committee Amendment "A" (H-518) proposed to allow minors under 16 years of age to work in fixed-location commercial places of amusement, except they may not work at games of chance or in hazardous occupations. The amendment would have prohibited minors under 16 from working in conjunction with an amusement, game or show that allows or conducts betting.

Enacted law summary

Public Law 1997, chapter 353 allows minors under 16 years of age to work in fixed-location commercial places of amusement, except they may not work at games of chance or in hazardous occupations. Minors under 16 years of age are also prohibited from working in conjunction with an amusement, game or show that allows or conducts betting. Chapter 353 was enacted as an emergency measure effective on May 31, 1997.

LD 909 **An Act to Establish Mandatory Drug and Alcohol Testing of Emergency Vehicle Operators** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT PENDLETON P	ONTP	

LD 999 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART		

LD 999 This resolution proposes to amend the Maine Constitution to establish a contractual relationship between the State and public employees for pension benefits. That relationship may not be diminished or impaired. Pension benefits may be reduced only for public employees hired after the effective date of a law reducing benefits. LD 999 was carried over to the Second Regular Session of the 118th Legislature.

LD 1014 **An Act to Give State Employees the Option of Entering the Social Security System** **ONTP**

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

LD 1014 would have provided state employees and teachers hired after January 1, 1999 the option of participating in either the Maine State Retirement System or the United States Social Security System. If an employee chose to participate in social security, the employee could have made voluntary contributions to a defined contribution plan administered by the Department of Labor and the State would have been required to match the employee contributions, up to a maximum of 3% of the employee's pay.

This and several other bills, including LD 1370, proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and LD 1370 was carried over to the Second Session. See also LDs 1259 and 1494.

LD 1018 **An Act to Strengthen the Sanctions for Failure to Respond to an Employee's Request for Reason for Termination of Employment** **PUBLIC 356**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEVELAND	OTP-AM MAJ ONTP MIN	S-236

LD 1018 proposed a number of changes to the law that requires an employer to give an employee written reasons for the termination of that employee's employment. It would have changed the penalty for a violation of the section from a forfeiture capped at \$500 to liquidated damages of \$50 per day payable to the employee. The bill also would have allowed an employee to bring an action in the District Court or the Superior Court to seek liquidated damages and equitable relief, including an injunction. The bill also proposed to authorize the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee.

Committee Amendment "A" (S-236) proposed to restore the \$50 forfeiture and \$500 total cap on forfeitures repealed by the original bill and would have eliminated the provision in the original bill regarding liquidated damages of \$50 per day payable to the employee. With this amendment, the employee's civil remedy would be limited to equitable relief. The amendment also proposed to limit the recovery of costs of suit and attorney's fees from the employer to those suits in which the employee receives a judgment in the employee's favor.

Enacted law summary

Public Law 1997, chapter 356 changes the law that requires an employer to give an employee written reasons for the termination of that employee's employment. It allows an employee to bring an action in the District Court or the Superior Court to seek an injunction or other equitable relief the court considers appropriate. It authorizes the court to order an employer to reimburse the employee for costs of suit including a reasonable attorney's fee if the judgment is in the employee's favor.

LD 1023 **An Act to Clarify the Definition of Total Incapacity for the Purpose of Workers' Compensation** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	ONTP	

LD 1023 proposed to change the eligibility requirements for an injured worker to receive workers' compensation benefits for total disability. The bill proposed to disallow benefits if the employee is unable to work full time in the local labor market, regardless of opportunities in the State labor market. Current law requires the State labor market to be considered in determining eligibility for total incapacity benefits.

LD 1024 **An Act To Provide That Disability Benefits for Partial Incapacity Be Continued for the Full Duration of Disability** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	ONTP	

LD 1024 proposed that workers' compensation benefits for partial disability be provided to a worker for the duration of the disability.

LD 1027

**An Act to Permit Teachers to Transfer Retirement System
Creditable Service Earned as a Teacher's Aide while Employed by a
School and Covered by a Participating Local District**

PUBLIC 161

Sponsor(s)
DRISCOLL
CASSIDY

Committee Report
OTP-AM

Amendments Adopted
H-177

LD 1027 proposed to allow teachers covered under the retirement system to include in creditable service and earnable compensation employment and earnings as a teacher's aide with a participating local district that is a school administrative unit.

Committee Amendment "A" (H-177) proposed the following changes in the bill:

1. It authorized any former teacher's aide or former, present or future Education Technician I who becomes a teacher to purchase retirement service credit for teacher's aide or Education Technician I employment.
2. It required the teacher to pay to the retirement system the actuarial equivalent of the portion of the retirement benefit based on the time being purchased so that purchase is cost-neutral to the retirement system.
3. It limited use of the service credit purchased under the bill to increasing retirement service benefits so that the credit may not be used for any other purpose such as for vesting or qualification for early retirement.
4. It imposed additional conditions on the purchase of service credit under the bill if some or all of the teacher's Education Technician I or teacher's aide employment was under a participating local district in the retirement system.

Enacted law summary

Public Law 1997, chapter 161 authorizes a former teacher's aide or an Education Technician I who becomes a teacher member of the Maine State Retirement System to purchase retirement service credit for the time employed as a teacher's aide or Education Technician I. In purchasing that credit the teacher must pay the actuarial equivalent cost of the increased benefit. The credit purchased may be used only to increase retirement benefits.

LD 1100

An Act to Amend the Laws Relating to Vesting in the Maine State Retirement System CARRIED OVER

Sponsor(s)
HATCH

Committee Report

Amendments Adopted

LD 1100 proposes to lower the vesting period under the Maine State Retirement System from 10 to five years for state employees, teachers and Legislators.

LD 1101

An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Payment of Benefits Pending Appeal

ONTP

Sponsor(s)
CLUKEY

Committee Report
ONTP

Amendments Adopted

LD 1101 proposed that if the Workers' Compensation Board, after a review of incapacity, issues an order or decision suspending or reducing compensation to an employee, compensation must be suspended or reduced from the date of the board's order or decision. Under current law, benefits may not be reduced while an appeal of the board's order is pending before the Law Court.

LD 1110

An Act to Decrease the Threshold Amount Required for Receiving Unemployment

ONTP

Sponsor(s)
RUHLIN
HATCH

Committee Report
ONTP

Amendments Adopted

LD 1110 proposed to reduce the earnings threshold used to determine eligibility to collect unemployment compensation. Under the current law, a person may not collect unemployment compensation benefits unless the person has earned a minimum amount determined through the use of a formula. Using the formula, currently a person is eligible for benefits if the person has earned at least \$873.46 in the last two quarters and a total of \$2,620.38 over the first four of the last five completed calendar quarters of the period used to calculate the person's eligibility. This bill proposed to reduce the threshold amount by 50%, so that a person would need to earn a minimum of \$1,310.19 to be eligible for unemployment compensation benefits. The issue presented by this bill will be studied by the commission created in LD 332.

LD 1127

An Act to Change the Definition of Occupational Disease for Purposes of the Occupational Disease Law

ONTP

Sponsor(s)
JONES K
MILLS

Committee Report
ONTP

Amendments Adopted

LD 1127 proposed to define the term "occupational disease" to mean any abnormal condition or disorder caused in whole or in part by exposure to environmental factors associated with employment for purposes of the Occupational Disease Law.

LD 1130

An Act Restoring the Right to Sue to Workers Injured Due to Negligence

ONTP

Sponsor(s)
RINES

Committee Report
ONTP

Amendments Adopted

LD 1130 proposed to restore to an injured employee the right to sue the employer for damages if the injury is due to the negligence, gross negligence or illegal acts of the employer and the disability resulting from the injury exceeds the duration of benefits for partial incapacity under the Workers' Compensation Act of 1992. Any recovery would be in addition to that available to the employee under the Workers' Compensation Act. Under this bill, the employee's right to sue may not be waived or modified. A related bill, LD 1193, was carried over to the Second Regular Session.

LD 1131

An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence

ONTP

Sponsor(s)
RINES

Committee Report
ONTP

Amendments Adopted

LD 1131 proposed to restore to the injured employee the right to sue the employer for damages if the injury is due to the gross negligence or illegal act of the employer. Any recovery under this proposal is in addition to that available to the employee under the Workers' Compensation Act. In addition, the bill provided that the employee's right to sue may not be waived or modified. A related bill, LD 1193, was carried over to the Second Regular Session.

LD 1140

An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers

**PUBLIC 359
EMERGENCY**

Sponsor(s)
KNEELAND

Committee Report
OTP-AM

Amendments Adopted
H-480

LD 1140 proposed to amend the Workers' Compensation laws to provide that laborers who engage in activities that involve packing and storage of agricultural products fall under the definition of seasonal employees and further provides that those activities are deemed part of the harvest season. The bill proposed that employers of those laborers would not be liable for securing workers' compensation insurance for those laborers but must maintain liability insurance.

Committee Amendment "A" (H-480) proposed to clarify current law regarding the exemption for small agricultural employers. The amendment would make it clear that seasonal and casual laborers are not included when calculating whether the employer has employed more than 6 agricultural or aquacultural laborers in the preceding year. This amendment also added an emergency preamble and emergency clause to the bill.

Enacted law summary

Public Law 1997, chapter 359 clarifies current law regarding the exemption for small agricultural employers. The law makes it clear that seasonal and casual laborers are not included when calculating whether the employer has employed more than six agricultural or aquacultural laborers in the preceding year. Chapter 359 was enacted as an emergency measure with an effective date of May 31, 1997.

LD 1180 **An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers** **VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM MAJ ONTP MIN	H-615

LD 1180 proposed to remove the provision that gives an employer the right to select a health care provider for an injured employee for the first 10 days of health care under the workers' compensation laws.

Committee Amendment "A" (H-615) proposed to limit the employee's use of a health care provider during the first 10 days to one evaluation performed by a physician or specialist with whom the employee had a previously established relationship.

LD 1189 **An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program** **PUBLIC 130**

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

LD 1189 proposed to amend the appeal procedure for the State's self-employment assistance program to make it more compatible with the operation of that program. Under the proposal, if a person eligible for unemployment benefits is not accepted into a self-employment assistance program, the individual may have the determination reviewed informally by a board appointed by the Commissioner of Labor. Further hearings and appeals would have to be made in accordance with the Maine Administrative Procedure Act.

Enacted law summary

Public Law 1997, chapter 130 amends the appeal procedure for the State's self-employment assistance program provided to certain individuals eligible for unemployment benefits to make it more compatible with the operation of that program. If a person is not accepted into a self-employment assistance program, the individual may have the determination reviewed informally by a board appointed by the Commissioner of Labor. Further hearings and appeals are made in accordance with the Maine Administrative Procedure Act.

LD 1192 **An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers** **CARRIED OVER**

<u>Sponsor(s)</u> SAMSON	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1192 proposes that an annual adjustment be made to workers' compensation disability benefits so that benefits continue to bear the same percentage relationship to the State average weekly wage. This bill was carried over to the Second Regular Session.

LD 1193 **An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death** **CARRIED OVER**

<u>Sponsor(s)</u> BOLDUC RAND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1193 proposes to amend the exclusivity provision of the Maine Workers' Compensation Act of 1992 to allow a civil suit in certain circumstances. The bill proposes to allow the heirs or the estate of an employee to bring an action for wrongful death against an employer who intentionally requires that employee to work when the employer knew that there was a risk of serious bodily injury or death. This bill was carried over to the Second Regular Session. See also LD 1130, LD 1131 and LD 30 (Judiciary).

LD 1221 **An Act to Permit Whitewater Rafting Guides to Be Paid at a Daily Rather Than an Hourly Rate** **ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP MAJ OTP MIN	<u>Amendments Adopted</u>
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LD 1221 proposed to allow an employer to employ a licensed whitewater guide for more than 40 hours in a week without having to pay overtime pay as long as that guide were paid at a daily rate at least equal to the state hourly minimum wage for the first eight hours worked plus one and one-half times the minimum wage for each hour or portion of an hour over eight hours worked in that day.

LD 1226 **An Act to Amend the Retirement System as it Pertains to Qualified Survivors** **PUBLIC 396**

<u>Sponsor(s)</u> BENOIT GOOLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-238
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LD 1226 proposed to require that survivor benefits be paid to a spouse, former spouse, child or other dependent of a State Police Officer when the spouse, etc. has been recognized by a domestic relations order as having a right to receive all or a portion of the benefits. This requirement would have applied to any current cases in which the issue of survivorship has not yet been litigated. Current law provides that the person married to the officer at the time of the officer's death is entitled to the benefits, regardless of whether the officer was married to and divorced from another person prior to the officer's death.

Committee Amendment "A" (S-238) proposed to replace the language in section 1 of the bill to clarify the intent of the bill. The amendment also made similar provisions for survivors of certain inland fisheries and wildlife officers and marine resources officers.

Enacted law summary

Public Law 1997, chapter 396 resolves a conflict in current law between the provision that defines “surviving spouse” for the purposes of distribution of survivor benefits on the death of certain state police, inland fisheries and wildlife and marine resources officers and the provisions that govern distribution of those benefits under a qualified domestic relations order. Chapter 396 provides that, when affected by a QDRO, the benefits that would otherwise go to a surviving spouse must be distributed in accordance with the QDRO. Passage of this chapter means that all retirees will be treated similarly with respect to the impact of QDRO in the distribution of post-retirement death benefits.

LD 1244 An Act to Clarify Part-time School Week for the Purpose of PUBLIC 131
Enforcing Child Labor Laws in the State

<u>Sponsor(s)</u> PENDLETON R	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1244 proposed to allow a minor to work up to 50 hours during any week that school is in session less than three days and in the first and last week of the school year. It also proposed to define the term "in session" in accordance with the compulsory education requirements.

Enacted law summary

Public Law 1997, chapter 131 allows a minor to work up to 50 hours during any week that school is in session less than three days and in the first and last week of the school year. The term "in session" has the same meaning as used in the compulsory education requirements.

LD 1245 An Act to Revise the Confidentiality Provisions of the Maine PUBLIC 132
Revised Statutes, Title 26

<u>Sponsor(s)</u> HATCH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1245 proposed to allow the Director of the Bureau of Labor Standards to share information with other government agencies to increase the protection of the public welfare and to ensure that bureau enforcement activities are coordinated across all branches of government. The bill also proposed to allow the bureau to release information to the

public related to final bureau action. Appropriate safeguards remain to fully address the confidentiality concerns of employers and employees.

Enacted law summary

Public Law 1997, chapter 132 allows the Director of the Bureau of Labor Standards to share information with other government agencies to increase the protection of the public welfare and to ensure that bureau enforcement activities are coordinated across all branches of government. The law also allows the bureau to release information to the public related to final bureau action. Appropriate safeguards remain in the law to fully address the confidentiality concerns of employers and employees.

**LD 1259 Resolve, to Phase Out the Maine State Retirement System and ONTP
Replace it with a System of Individual Retirement Accounts**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1259 proposed to require the Commissioner of Administrative and Financial Services to prepare a plan for the gradual phaseout of the Maine State Retirement System and its replacement with a system of individual retirement accounts that would be completely portable and would require the State to match the employee's contribution to the account. The system to be developed in consultation with representatives of affected groups would apply to state employees, teachers and PLD employees.

This and several other bills proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and related bill LD 1370 was carried over to the Second Regular Session. That bill could serve as a legislative vehicle to address retirement plan changes in 1998. See also LD's 1014 and 1494.

**LD 1309 An Act to Provide for the Interception of an Individual's ONTP
Unemployment Compensation to Repay an Overissue of Food
Stamp Coupons**

<u>Sponsor(s)</u> PENDLETON R		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1309 proposed to require that if the State over-issued food stamp coupons to a household the amount of the over-issue must be collected by withholding amounts from unemployment compensation payable to a member of the household. This bill is proposed to address issues raised by Public Law 104-193, commonly called the "welfare reform" law, enacted by Congress in August of 1996.

LD 1318

An Act to Clarify the Doctrine of Res Judicata in Workers' Compensation Cases

CARRIED OVER

Sponsor(s)
HATCH

Committee Report

Amendments Adopted

LD 1318 proposes that if the Workers' Compensation Board has determined that the effects of a compensable injury have ended, an employee may seek a restoration of benefits if the employee comes into possession of medical information that was not previously known to the parties or litigated before the board. This bill was carried over to the Second Regular Session.

LD 1351

An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Nonresident Employers

PUBLIC 366

Sponsor(s)
SAMSON

Committee Report
OTP-AM

Amendments Adopted
H-481

LD 1351 proposed to clarify that nonresident employers whose employees are in the State on a regular basis are required to obtain coverage for their employees under the Maine Workers' Compensation Act of 1992.

Committee Amendment "A" (H-481) proposed to clarify that the required workers' compensation coverage must be from an insurer or self-insurer authorized in this State.

Enacted law summary

Public Law 1997, chapter 366 clarifies that the workers' compensation coverage required by the Maine Workers' Compensation Act of 1992 must be from an insurer or self-insurer authorized in this State.

LD 1370

Resolve, to Create Pension Portability for State and Local Government

CARRIED OVER

Sponsor(s)
SAXL M
DAGGETT

Committee Report

Amendments Adopted

LD 1370 proposed to establish a commission to study pension portability for public sector employees. The commission would report to the Second Regular Session of the 118th Legislature.

Several other bills were introduced this session proposing major changes in the retirement plans for state employees, teachers and legislators. This bill was carried over to the Second Regular Session to serve as a legislative vehicle to address any necessary retirement plan changes in 1998. The other bills were reported out ONTP. See also LDs 1014, 1259, 1494, 979 and 1497.

LD 1383

An Act to Provide Part-time State and Participating Local District Employees with the Option of Joining the Maine State Retirement System

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON MCELROY	ONTP	

LD 1383 proposed that membership in the Maine State Retirement System be optional for state employees and participating local district employees who normally work 20 or fewer hours a week.

LD 1393

An Act Amending the Compensation for Members of the Panel of Mediators

PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH MILLS	OTP-AM MAJ ONTP MIN	H-587 S-308 MURRAY

LD 1393 proposed to raise compensation for members of the Panel of Mediators from \$100 per day, plus expenses, to \$100 for every 4 hours of mediation services provided, plus expenses.

Committee Amendment "A" (H-587) proposed to clarify the method of calculating the amount of compensation due to the members of the Panel of Mediators. It provided that members would be compensated in the amount of \$100 for the first four hours of mediation services provided, and \$100 for each consecutive period of up to four hours thereafter. The amendment also proposed to clarify that members must be compensated for each case handled in a single day according to the calculation method provided. This amendment proposed to expressly override the provisions of Title 5, section 12003-A, subsection 9, which prohibits members of boards established by the Legislature from being compensated for more than one meeting in a single day. The amendment also proposed to require members to allocate their necessary expenses to the mediation session that required the costs.

Senate Amendment "A" to Committee Amendment "A" (S-308) This amendment proposed changes by the Committee on Bills in the Second Reading to correct the amending clauses and section designations in the committee amendment.

Enacted law summary

Public Law 1997, chapter 412 raises compensation for members of the Panel of Mediators from \$100 per day, plus expenses, to \$100 for the first 4 hours of mediation services provided, and \$100 for each consecutive period of mediation services provided, plus expenses. Under this chapter, members must be compensated for each case handled in a single day according to the calculation method provided, notwithstanding the provisions of Title 5, section 12003-A, subsection 9.

LD 1406

An Act to Clarify Laws Relating to Unemployment Compensation for Service with Nonprofit Organizations, Educational Institutions, State Government and Local Governments

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP CATHCART	ONTP	

LD 1406 proposed to allow certain individuals employed by post-secondary educational institutions to receive unemployment benefits in instances in which they are currently ineligible to receive benefits. The changes proposed in the bill would apply to both professional and non-professional employees of post-secondary institutions.

LD 1429

An Act to Amend the Maine Apprenticeship Program

PUBLIC 522

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD BERRY R	OTP-AM	S-298 S-375 MICHAUD

LD 1429 proposed to clarify the roles and responsibilities of the State Apprenticeship and Training Council, the apprenticeship staff and program sponsors in order to encourage apprenticeships on a statewide basis. The bill would require the Department of Labor to provide integrated oversight of apprenticeship issues by assuming the oversight responsibility for all related instruction activity, a function previously performed by the Maine Technical College System, as well as maintaining current oversight responsibility for on-the-job training. The bill would require the Department of Labor to employ a director of apprenticeship and training to implement a statewide apprenticeship program and to pay for 50% of the tuition costs for certain apprentices. The bill also proposes that the Department of Labor produce presentations and promotional videotapes on apprenticeships.

Committee Amendment "A" (S-298) proposed to limit the financial impact of the bill by removing those words that could be viewed as requiring the Department of Labor to offer certain educational programs, technical assistance and tuition subsidies. The amendment also proposed to replace the word "trade" with "occupation". The amendment would have added an appropriation of over \$350,000 in General Funds in each fiscal year and over \$100,000 in Federal Expenditure Funds to cover the costs of the expanded program.

Senate Amendment "A" to Committee Amendment "A" (S-375) proposed to remove the appropriation and allocation of all funds other than the transfer of \$180,000 from the Maine Technical College System to the Department of Labor for costs associated with this program.

Enacted law summary

Public Law 1997, chapter 522 clarifies the roles and responsibilities of the State Apprenticeship and Training Council, the apprenticeship staff and program sponsors in order to encourage apprenticeships on a statewide basis. It requires the Department of Labor to provide integrated oversight of apprenticeship issues by assuming the oversight responsibility for all related instruction activity, a function previously performed by the Maine Technical College System, as well as maintaining current oversight responsibility for on-the-job training. It requires the Department of Labor to employ a director of apprenticeship and training to implement a statewide apprenticeship program and, as funding allows, to pay for 50% of the tuition costs for certain apprentices.

LD 1448 **An Act to Provide for Binding Arbitration for County Employees with Respect to Monetary Issues** **ONTP**

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

LD 1448 proposed to amend the Municipal Public Employees Labor Relations Law to make arbitration binding with respect to monetary matters as well as all other matters. The bill also included a number of grammatical and technical changes. In spite of the bill title, the bill as drafted would apply to more than just county employees.

Committee Amendment "A" (H-500), which was not adopted, proposed to replace the substantive part of the original bill to provide that arbitration is binding on monetary matters only in cases involving firefighters and law enforcement officers under the Municipal Public Employees Labor Relations Law.

LD 1456 **An Act to Increase the Maximum Benefit Levels Provided for Injured Workers** **ONTP**

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

LD 1456 proposed to increase the maximum weekly benefit level under the Maine Workers' Compensation Act of 1992 to the higher of \$600 or 166% of the state average weekly wage as adjusted annually utilizing the state average weekly wage as determined by the Department of Labor.

LD 1457 **An Act to Extend the Period for Payment of Workers' Compensation Benefits** **CARRIED OVER**

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

LD 1457 proposes to extend the period for payment of workers' compensation benefits for partial incapacity for a period of up to 10 years, rather than five years as provided in current law. This bill was carried over to the Second Regular Session.

LD 1472

An Act to Modify the Work Search Requirements for Workers' Compensation Recipients

ONTP

Sponsor(s)
MILLS

Committee Report
ONTP

Amendments Adopted

LD 1472 proposed to provide that only employees who have received workers' compensation disability benefits for 260 weeks or more are subject to the work search requirement. The bill proposed to overturn the Law Court's decision in Bureau v. Staffing Network, Inc., 678 A.2d 583 (Me. 1996), finding that a partially incapacitated employee bears the initial burden of establishing the unavailability of work within that employee's work restrictions.

LD 1474

An Act to Provide for Limited Payment of Attorney's Fees for Injured Workers Who Prevail on Meritorious Claims

ONTP

Sponsor(s)
MILLS

Committee Report
ONTP

Amendments Adopted

LD 1474 proposed to change the laws governing attorneys' fees in workers' compensation cases. In addition to reinstating a limited prevail rule, this bill proposed to impose a uniform set of standards for payment of counsel fees in cases with dates of injury on or after June 30, 1985, the date when the "prevail rule" was first initiated. The bill would require the employer to reimburse the employee for travel expenses, for costs of transcript copies, for medical records and reports and for legal assistance necessary to respond to discovery requests as long as the employee's claim is made in good faith and upon reasonable grounds. The bill also proposed maximum rates to be charged for hourly legal work tied to a percentage of the State's average weekly wage to adjust for inflation. The bill proposed to limit legal fees to 10% on smaller claims and to 5% of those portions of larger settlements that exceed 150 times the State's average weekly wage.

The bill also included express prohibitions against overcharging or charging for any services that do not contribute to the prompt, just and expedient resolution of claims and included standards to determine the reasonableness of a legal fee. A party would be entitled to obtain a review and adjustments from the board based on the standards. The bill proposed penalties for overcharging or for conduct that impedes the efficient, expedient or just resolution of a dispute.

The bill would have applied procedurally only to controversies and settlements resolved after the bill's effective date; but, once effective, the bill would apply retroactively to all pending cases in which the date of injury falls after June 30, 1985. The one exception would be for settlement fees in cases arising prior to October 17, 1991. Settlement of such cases under the bill would be governed by the law in effect at the time of injury.

LD 1477

An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry

DIED BETWEEN BODIES

Sponsor(s)
NUTTING
BERRY R

Committee Report
OTP-AM

Amendments Adopted

LD 1477 proposed to provide that a subcontractor hired by a contractor to harvest wood would be considered an employee for purposes of workers' compensation laws.

Committee Amendment "A" (S-299), which was initially adopted in both chambers but then indefinitely postponed with the bill and all accompanying papers in the House, proposed to require all persons engaged in harvesting wood products to carry workers' compensation insurance for themselves in addition to their employees. The only exception would be for an individual who contracts directly with the landowner to harvest the wood and performs all of the wood harvesting alone. The amendment also proposed to define harvesting forest products as to sever and remove standing trees from a forest.

LD 1493 An Act to Adopt an Orderly Procedure for Determining the End of ONTP
Entitlement to Partial Workers' Compensation Benefits

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

LD 1493 proposed that after an employee has received 260 weeks of benefits for partial incapacity, the Workers' Compensation Board would be required to terminate benefits unless the employee demonstrates certain facts about the injury, the employee's prospects for employment or the employee's rehabilitation. The bill's changes would only apply to injuries occurring on or after October 1, 1997.

LD 1494 An Act to Replace the Defined Benefit Retirement Plan for State ONTP
and Other Public Employees with a Defined Contribution Plan

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

LD 1494 proposed, effective July 1, 2001, to eliminate the present defined benefit retirement plan for state and other public employees hired after that date and replaced it with one or more defined contribution plans. The details of the defined contribution plan or plans, including types of plan to be available, contribution rates, retirement eligibility requirements and responsibility for management and administrative functions, were to be determined by the Legislature in the year 2000 based on recommendations of a blue ribbon commission established in the bill. The commission consisted of four impartial, qualified members appointed by the Governor and legislative leadership. The commission was to issue an interim report to the Joint Standing Committee on Labor in January 1999, and its final report to the Governor and the Legislature by December 1, 1999. Employees who become members of the Maine State Retirement System before July 1, 2001 would remain members of the retirement system, which would continue for the purpose of administering the benefits of those members.

This and several other bills proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and related bill LD 1370 was carried over to the Second Regular Session. That bill could serve as a legislative vehicle to address retirement plan changes in 1998. See also LDs 1014 and 1259.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN BUCK	ONTP	

LD 1497, Part A, proposed to eliminate the present legislative retirement system for Legislators not vested on December 1, 1998. After that date, current non-vested and future newly elected Legislators would have elected to join either a 401(a) defined contribution plan, a 457 deferred contribution plan, both plans or Social Security. Legislators participating in the 401(a) or 457 plans would contribute at least 7.5% of their compensation to one of the plans. Additional contributions above that level would have been possible subject to federal law. The State would have contributed a like amount on behalf of each Legislator up to the then-assessed employer contribution rate under Social Security.

Part B of this bill required Legislators to pay 20% of their health insurance and 60% of their dependents' health insurance premiums.

This and several other bills proposing major changes in the retirement plans for state employees, teachers or legislators were reported out ONTP, and LD related bill 1370 was carried over to the Second Regular Session. That bill could serve as a legislative vehicle to address retirement plan changes in 1998. See also LD 979.

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

The purpose of LD 1498 is to address the issue raised in Board of Trustees of Univ. v. Assoc. COLT, 659 A.2d 842, 846 (Me. 1995). This bill proposed to require a state or municipal public employer to pay wages according to the wage plan of an expired collective bargaining agreement, including step-pay increases or any pay raises derived from a wage-escalator clause in the expired plan during the period of mediation, fact-finding or arbitration and before a new collective bargaining agreement takes effect.

Committee Amendment “A” (H-671) was the minority report of the committee and was not adopted. It proposed to remove from the bill changes to the laws governing municipal public employees labor relations and amend the laws governing University of Maine System labor relations and judicial employees labor relations. With the amendment, the bill would require the State, the Judicial Branch and public employers subject to laws governing the University of Maine System to continue to pay wage increases according to the wage plan of an expired collective bargaining agreement until impasse is reached. The amendment would permit the parties to negotiate a specific agreement for an alternative method for handling wage increases following the expiration of the collective bargaining agreement. An application section limited the scope of the bill to those contracts negotiated after October 1, 1997.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R	OTP-AM A OTP-AM B OTP-AM C	H-693

LD 1517 proposed to enhance the Department of Labor's ability to increase its annual collection of unemployment benefit overpayments by permitting wage garnishment through a withholding order and by permitting the offset of lottery winnings.

Committee Amendment "A" (H-693), the majority report of the committee, proposed to clarify that the withholding order may be issued only if the overpayment of unemployment benefits result from nondisclosure or misrepresentation. The amendment proposed to lower from \$500 to \$100 the minimum amount of debt with respect to which a withholding order may be issued. The amendment also clarified the process by which an individual may seek a review of a notice of debt accrued, and proposed a floor of 40 times the federal minimum wage under which withholding may not take the individual's weekly disposable income. The amendment proposed to limit an employee's right of civil action against the employer to a circumstance in which the employer has discharged the employee because of a withholding order.

Committee Amendment "B" (H-694), a minority report of the committee, proposed to allow a withholding order to be issued if the overpayment results from nondisclosure, misrepresentation or erroneous payments. The amendment proposed all of the other changes contained in the majority report and it also proposed to remove the provision of the original bill that allows lottery winnings to be offset to recover unemployment benefit payments owed to the Department of Labor. This amendment was not adopted.

Committee Amendment "C" (H-695) proposed to make the same changes as in the majority report and it also proposed to remove the provision of the original bill that allows lottery winnings to be offset to recover unemployment benefit payments owed to the Department of Labor. This amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 434 enhances the Department of Labor's ability to increase its annual collection of unemployment benefit overpayments by permitting wage garnishment through a withholding order and by permitting the offset of lottery winnings. Under this law, a withholding order may be issued only if the overpayment of unemployment benefits results from nondisclosure or misrepresentation and the amount of debt exceeds \$100. Upon receipt of a withholding order, the employer is required to withhold 10% of gross wages and remit that amount to the Department of Labor. The effect of the garnishment of wages may not cause the individual's weekly disposable income to fall below 40 times the federal minimum wage. The law establishes a procedure for notifying the individual and the employer of the required withholding and limits collections during appeals. It prohibits an employer from discharging the employee because of the wage garnishment and allows an aggrieved employee to bring a civil action in such a case.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING	OTP-AM MAJ	H-719 THOMPSON
BUMPS	OTP-AM MAJ	S-302

LD 1523 proposed to make a number of changes to the laws governing workers' compensation. The bill proposed to rename the existing "troubleshooter" program as the "employee advocate" program and direct employee advocates to assist employees through mediation and hearings. The bill would raise the cap on assessments that fund the Workers' Compensation Board and included an allocation to fund 13 additional employee advocates. The bill also proposed that, with respect to medical evidence, hearings must proceed on the basis of sworn statements alone and health care practitioners would not be subject to cross-examination at hearings.

Committee Amendment "A" (S-301) was the majority report of the committee and was not adopted. The amendment proposed to create an advocate program to be available to both employees and employers. The amendment included a mission statement for the Workers' Compensation Board and proposed that the board be required to establish an audit, enforcement and monitoring program, publish quarterly compliance reports and include certain specified data in its annual report. The amendment also proposed that, if the board orders the suspension of benefits following a previous order allowing benefits, the employer must discontinue benefits while the employee's appeal to the Law Court is in progress. The amendment proposed changes to the settlement provisions to encourage structured settlements and proposed changes to the penalty provision to allow the superintendent of insurance to investigate and penalize for improper claims-handling practices.

Under this amendment, the advocate program proposed is available to assist and advocate on behalf of the employee after troubleshooting or the employer after mediation. The qualifications for the advocates and their duties are specified in the amendment. The Workers' Compensation Board would be required to hire a staff attorney to assist the advocates in preparing cases for formal hearing.

With respect to legal representation, this amendment proposed that at the conclusion of mediation the employer would be required to inform the board and the employee whether the employer will be represented by legal counsel at subsequent proceedings. If the employer elected to be represented, the employee would be entitled to have the employee's attorney's fees paid for by the employer if the employee hires an attorney and prevails. If the employee prevails and is entitled to have the attorney's fees paid for by the employer, only those services rendered after the date of mediation would be allowable.

The amendment proposed that the board be required to implement its audit and enforcement responsibilities by July 1, 1998 by establishing an audit, enforcement and monitoring program. The board would have to include in its annual report information on the workers' compensation system, with specific data regarding compliance of insurers, self-insurers and third-party administrators with the current law. The annual report would also have to include an analysis of the board's performance in the management of case administration, payment monitoring, investigations, lump-sum settlements, audits and penalties.

The amendment also proposed to raise the board's existing assessment cap from \$6,000,000 to \$6,600,000 for fiscal years 1997-98 and beyond to permit the hiring of advocates and auditors.

Committee Amendment "B" (S-302) is the minority report of the committee and was adopted. The amendment proposed to establish an advocate program to assist employees with their workers' compensation claims through the

formal hearing stage. The amendment included a mission statement for the Workers' Compensation Board and proposed that the board be required to establish an audit, enforcement and monitoring program, publish quarterly compliance reports and include certain specified data in its annual report.

The amendment proposed to establish an advocate program to assist employees who have participated in the troubleshooter program and have not resolved their dispute. The duties of the advocates would include assisting employees regarding their claims, helping employees obtain appropriate rehabilitation services or return to work opportunities and advocating on behalf of the employees during mediation or the formal hearings. The Workers' Compensation Board would be required to hire a staff attorney to advise the advocates in the preparation of their cases at the formal hearing stage.

The amendment also proposed that the board be required to implement its audit and enforcement responsibilities by July 1, 1998 by establishing an audit, enforcement and monitoring program. The board would have to include in its annual report information on the workers' compensation system, with specific data regarding compliance of insurers, self-insurers and third-party administrators with the current law. The annual report would also have to include an analysis of the board's performance in the management of case administration, payment monitoring, investigations, lump-sum settlements, audits and penalties.

The amendment proposed to raise the board's existing assessment cap from \$6,000,000 to \$6,600,000 for fiscal years 1997-98 and beyond to permit the hiring of advocates and auditors.

House Amendment "E" to Committee Amendment "B" (H-719) proposed to require the executive director of the board, rather than the Workers' Compensation Board itself, to establish the audit, enforcement and monitoring program and proposed to require the schedule of audits to be developed by the deputy director of benefits administration.

House Amendment "A" to Committee Amendment "B" (H-641) proposed that, if the Workers' Compensation Board orders the suspension of benefits following a previous order allowing benefits, the employer must discontinue benefits while the employee's appeal to the Law Court is in progress. This amendment was not adopted.

House Amendment "B" to Committee Amendment "B" (H-715) proposed to change the provisions regarding settlements to encourage structured settlements when the settlement amount is large. This amendment also proposed to require that at the conclusion of mediation the employer must inform the board and the employee whether the employer will be represented by legal counsel at any subsequent proceeding or meeting with the employee. If the employer elects to be represented, the employee would be entitled to have the employee's attorney's fees paid for by the employer if the employee hires an attorney and prevails. If the employee prevails and is entitled to have the attorney's fees paid for by the employer, only those services rendered after the date of mediation would be allowable. This amendment also proposed a repeal date of September 1, 1999 on the entitling certain employees to have their attorney's fees paid by the employer. The amendment also proposed that the Labor Committee be required to recommend whether that section of law should be continued. This amendment was not adopted.

House Amendment "C" to Committee Amendment "B" (H-716) proposed to replace the advocate program proposed in Committee Amendment "B" with the advocate program proposed in Committee Amendment "A" with certain modifications. As in Committee Amendment "A," the advocates would be able to represent both employers and employees, however, only those advocates who are attorneys could represent anyone in any proceeding beyond the mediation stage. The amendment proposed that at least five new advocates be hired, all of whom must be attorneys. The amendment also proposed to increase the Workers' Compensation Board's assessment cap to account for the new attorney positions. This amendment was not adopted.

House Amendment "D" to Committee Amendment "B" (H-718) This amendment proposed to change the penalty provisions of the worker's compensation law to allow the Superintendent of Insurance to investigate and penalize improper claims-handling practices. This amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 486 establishes an advocate program to assist employees with their workers' compensation claims through the formal hearing stage. It also includes a mission statement for the Workers' Compensation Board and requires the board to publish quarterly compliance reports and include certain specified data in its annual report. It requires the Executive Director to establish an audit, enforcement and monitoring program,

The advocate program established by this chapter is designed to assist employees who have participated in the troubleshooter program and have not resolved their dispute. The duties of the advocates include assisting employees regarding their claims, helping employees obtain appropriate rehabilitation services or return to work opportunities and advocating on behalf of the employees during mediation or the formal hearings. The Workers' Compensation Board is required to hire a staff attorney to advise the advocates in the preparation of their cases at the formal hearing stage.

Chapter 486 requires the Executive Director of the Workers' Compensation Board to establish an audit, enforcement and monitoring program by July 1, 1998 and requires the schedule of audits to be developed by the deputy director of benefits administration. The board is required to include in its annual report information on the workers' compensation system, with specific data regarding compliance of insurers, self-insurers and third-party administrators with the current law. The annual report must also include an analysis of the board's performance in the management of case administration, payment monitoring, investigations, lump-sum settlements, audits and penalties.

Chapter 486 also raises the board's existing assessment cap from \$6,000,000 to \$6,600,000 for fiscal years 1997-98 and beyond to permit the hiring of advocates and auditors.

LD 1567

**An Act to Reinstate Limited Rehabilitation Benefits under the
Maine Workers' Compensation Act of 1992 for Those with Long-
term Disabilities**

CARRIED OVER

Sponsor(s)
MILLS

Committee Report

Amendments Adopted

LD 1567 proposes to reinstate limited rehabilitation benefits under the Maine Workers' Compensation Act of 1992 for people with long-term disabilities. The bill allows a rehabilitation evaluation to be ordered without a full hearing if it appears that the injury is compensable and that the period of disability will exceed 90 days. The bill proposes that the board may also order the implementation of the rehabilitation plan even if the underlying claim is not finally resolved. The proposal requires the employer to reimburse the Employment Rehabilitation Fund if the employer is finally adjudicated as being responsible for the disability. This bill was carried over to the Second Regular Session.

LD 1578

An Act to Protect Workers and Establish Labor Standards for "Workfare" Participants

PUBLIC 443

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON CATHCART	OTP-AM MAJ ONTP MIN	H-677

LD 1578 proposed to have the Commissioner of Labor regulate work standards for “workfare” participants, that is, individuals who are required to work as a condition for receiving public assistance. The bill would have required the Commissioner to adopt rules and recommend any necessary legislation to ensure that workfare participants and employees in workplaces in which participants work are treated fairly and receive labor and employment standards protection. The rules would be required to address issues of wages, workers' compensation, health and safety, discrimination, displacement grievance procedures and attainment of employee status. The bill also proposed to require the commissioner to report on these matters to the Joint Standing Committee on Labor.

Committee Amendment "A" (H-677) proposed to replace the bill with more limited labor standards governing the use of workfare participants. The amendment proposed to prohibit the use of workfare participants to fill vacant positions when there is a labor dispute or in a manner that violates existing collective bargaining disputes or infringes upon promotional opportunities for employees. The amendment proposed that employers must provide access to a grievance procedure for participants and employees to resolve issues regarding displacement of employees. The amendment would have required the Department of Human Services and the Department of Labor to report to the Joint Standing Committee on Labor by February 1, 1998 on efforts at the federal level to develop standards for workfare participants. The amendment also would authorized the Joint Standing Committee on Labor to report out legislation on labor standards for workfare participants during the Second Regular Session of the 118th Legislature.

Enacted law summary

Public Law 1997, chapter 443 establishes limited labor standards governing the use of “workfare” participants, that is, individuals who are required to work as a condition for receiving public assistance. Employers are prohibited from using workfare participants to fill vacant positions when there is a labor dispute or in a manner that violates existing collective bargaining disputes or infringes upon promotional opportunities for employees. Employers must also provide access to a grievance procedure for workfare participants and employees to resolve issues regarding displacement of employees. The Department of Human Services and the Department of Labor are required to report to the Joint Standing Committee on Labor by February 1, 1998 on efforts at the federal level to develop standards for workfare participants. The Joint Standing Committee on Labor is authorized to report out legislation on labor standards for workfare participants during the Second Regular Session of the 118th Legislature.

LD 1590

An Act to Provide Retirement Benefit Options for Fire Marshals and Motor Vehicle Investigators

PUBLIC 401

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM W	OTP-AM	H-618

LD 1590 proposed to permit state fire marshals, state fire marshal investigators and state fire marshal inspectors with 25 years creditable service to retire at the age of 55 without a reduction in benefits.

Committee Amendment "A" (H-618) replaced the bill and proposed retirement options for fire marshals and motor vehicle investigators similar to the options enacted in recent years for game wardens, marine resource officers, forest rangers and Baxter State Park Authority rangers. The amendment permitted fire marshals and motor vehicle investigators who are currently or in the future employed in those positions to participate in either the regular retirement plan for state employees and teachers or an optional retirement plan that permits retirement with full benefits at age 55 after at least 25 years of service. Participation in the optional plan was to be a one-time, irrevocable option that must be exercised within 90 days of hire by newly hired employees or by January 1, 1998 by current employees. Employees in the affected categories who do not elect to participate in the optional plan would be covered by the regular retirement plan. Each employee who elected the optional retirement plan would have had to pay to the Maine State Retirement System the full actuarial and administrative costs of retiring under the plan, including interest on back amounts due for current employees. Additionally, employees in either of the two categories would have the option to retire after at least 25 years of service and before attaining 55 years of age with the same reduction in benefits provided for other state employees and teachers who retire before normal retirement age.

Enacted law summary

Public Law 1997, chapter 401 permits fire marshals and motor vehicle investigators who are currently or in the future employed in those positions to participate in either the regular retirement plan for state employees and teachers or an optional retirement plan that permits retirement with full benefits at age 55 after at least 25 years of service. Participation in the optional plan is a one-time, irrevocable option that must be exercised within 90 days of hire by newly hired employees or by January 1, 1998 by current employees. Employees in the affected categories who do not elect to participate in the optional plan are covered by the regular retirement plan. Each employee who elects the optional retirement plan must pay to the Maine State Retirement System the full actuarial and administrative costs of retiring under the plan, including interest on back amounts due for current employees. Additionally, employees in either of the two categories have the option to retire after at least 25 years of service and before attaining 55 years of age with the same reduction in benefits provided for other state employees and teachers who retire before normal retirement age.

LD 1606

An Act to Amend the Laws Governing Severance Pay Obligations

ONTP

Sponsor(s)
LEMKE

Committee Report
ONTP

Amendments Adopted

LD 1606 proposed to extend the severance pay laws to include employers that employ at least 100 persons in total rather than just those that employ 100 at the facility that is being closed or relocated. This bill also proposed to change the time that an employer has employed 100 persons from the preceding 12-month period to a 24-month period.

LD 1644

An Act to Give the Director of the Bureau of Labor Standards Rule-making Authority for All Wage and Hour and Other Related Laws That the Bureau of Labor Standards Is Charged with Enforcing

PUBLIC 377

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R CATHCART	OTP	

LD 1644 proposed to allow the Director of the Bureau of Labor Standards to adopt rules regarding any labor laws under the bureau's jurisdiction where that authority is not specifically granted to a board or commission.

Enacted law summary

Public Law 1997, chapter 377 allows the Director of the Bureau of Labor Standards to adopt rules regarding any labor laws under the bureau's jurisdiction where that authority is not specifically granted to a board or commission.

LD 1654

An Act to Extend Collective Bargaining Rights to Employees of Large Industrial Agricultural Operations

PUBLIC 472

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMSON	OPT-AM MAJ ONTP MIN	H-550 H-740 HATCH

LD 1654 proposed to give employees of certain agricultural employers the right to bargain collectively and specified the parties' mutual obligation to bargain. The bill proposed procedures for determining bargaining units and bargaining agents, including procedures for appeal of such determinations. The bill proposed to prohibit specified acts of agricultural employers and agricultural labor organizations and provided for enforcement of those prohibitions by the Maine Labor Relations Board and subsequently through civil action in Superior Court.

Committee Amendment "A" (H-550) proposed to change the definition of agricultural employee in the bill to include supervisors and exclude managers and confidential employees. The amendment also proposed to clarify that only those employees within the definition of agricultural employee are counted to determine if an employer is subject to the Agricultural Employees Labor Relations Act by employing at least 75 employees for 180 days. The amendment proposed to clarify that the period during which a party may question the unit or representation status relates to the anniversary date of the contract if the agreement contains no expiration date.

House Amendment "B" to Committee Amendment "A" (H-740) proposed to change the bill title and limit the application of the bill to egg processing facilities that have over 500,000 laying birds and that employ more than 100 agricultural employees. This amendment would prohibit agricultural employers governed by the bill from locking out their employees and prohibits their employees from striking.

Enacted law summary

Public Law 1997, chapter 472 gives employees of certain agricultural employers the right to bargain collectively and specifies the parties' mutual obligation to bargain. The law establishes procedures for determining bargaining units

and bargaining agents, including procedures for appeal of such determinations. The law prohibits specified acts of agricultural employers and agricultural labor organizations and provides for enforcement of those prohibitions by the Maine Labor Relations Board and subsequently through civil action in Superior Court. Among other things, the law prohibits agricultural employers from locking out their employees and prohibits their employees from striking. The rights and obligations established by this chapter only apply to egg processing facilities that have over 500,000 laying birds and that employ more than 100 agricultural employees.

LD 1661 **An Act to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security** **CARRIED OVER**

Sponsor(s)
BENOIT

Committee Report

Amendments Adopted

LD 1661 was jointly referred to the Labor Committee and the Taxation Committee. The bill proposes to implement the recommendations of the Blue Ribbon Commission on Hunger and Food Security by making the following changes in state law.

1. It proposes to set the state minimum wage at 25¢ more than the federal minimum wage and establish an out-of-poverty wage for state employees and state contractors equal to the amount necessary to produce an income equal to the federal poverty guideline for a family of three.
2. It proposes a state earned income tax credit equal to 25% of the federal earned income tax credit and provides that persons not required to file for federal income tax purposes are not required to file for state income tax purposes and are not required to pay state income tax.
3. It proposes to reestablish state participation in extended unemployment benefits and provides that failure of child care or transportation arrangements necessary for work are not grounds for denying unemployment benefits.
4. The bill maintains transitional child care benefits at a minimum of the level for fiscal year 1996-97.
5. The Department of Human Services is required to apply for a federal waiver to permit Medicaid coverage to families up to 185% of federal poverty guidelines.
6. It proposes to require a school to participate in the school breakfast program if at least 35% of the students are eligible for free or reduced-price meals.
7. It proposes food security motor vehicle registration plates with revenues distributed to the Maine Food Security Fund and creates a voluntary food security income tax checkoff.
8. The bill proposes to establish the Office of Food Security within the Department of Human Services to coordinate and monitor food assistance programs and administer a food security outreach program and the Maine Food Security Fund.
9. It proposes the Maine Millenium Commission on Hunger and Food Security to evaluate the actions taken under the recommendation of the Blue Ribbon Commission on Hunger and Food Security and investigate the condition of the State with regard to hunger and food security. The proposed commission will conduct its review in the years 2000

and 2001 and report to the Legislature that convenes in December 2001. This bill was carried over to the Second Regular Session.

LD 1708 **Resolve, Establishing the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANE RUHLIN		

LD 1708 proposes to establish the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases to determine whether insurance companies are discriminating against veterans in processing workers' compensation claims. The resolve was carried over to the Second Regular Session.

LD 1709 **An Act Regarding Errors and Inconsistencies in the Maine Employment Security Law** **PUBLIC 293**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON R CATHCART	OTP-AM	H-482 S-254 MURRAY

LD 1709 proposed to clarify references to the Commissioner of Labor and make several technical corrections to the employment security laws.

Committee Amendment "A" (H-482) proposed to delete a reference to the "commissioner" and restore the current law reference to the "commission" as the entity with discretion to deduct from future unemployment benefits amounts paid erroneously to a person.

Senate Amendment "A" (S-254) proposed to correct technical errors in the bill on behalf of the Committee on Bills in the Second Reading.

Enacted law summary

Public Law 1997, chapter 293 clarifies references to the Commissioner of Labor and makes several technical corrections to the employment security laws.

LD 1724 **An Act to Amend the Unemployment Insurance Laws** **ONTP**

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

LD 1724 proposed to entitle school bus drivers and part-time faculty members of the University of Maine System to receive unemployment benefits between school years or terms.

LD 1734 **An Act to Remove the Disqualification for Unemployment Insurance Benefits for Claimants Who Are Locked Out by an Employer** **PUBLIC 391**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM MAJ ONTP MIN	H-501

LD 1734 proposed to remove the disqualification from unemployment compensation for employees who are locked out by an employer.

Committee Amendment "A" (H-501) This amendment proposed to add a definition of "lockout" to the bill.

Enacted law summary

Public Law 1997, chapter 391 removes the disqualification from unemployment compensation for employees who are locked out by their employer.

LD 1753 **An Act to Preserve the Solvency of the Unemployment Compensation Fund** **PUBLIC 380**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	OTP-AM MAJ ONTP MIN	H-502

LD 1753 proposed to ensure the solvency of the Unemployment Compensation Fund by reducing the maximum weekly benefit amount by 6% from September 28, 1997 to September 26, 1998 and by reducing the weekly benefit amount by \$3 for all new claims filed in 1998. The bill proposed to impose a surtax on employers of 4/10 of 1% of covered wages and tax Schedule P for 1998. The proposals are based on recommendations of the state advisory council consisting of public, labor and business members appointed by the Commissioner of Labor. The bill also proposed a study of the solvency issue and various benefit eligibility issues with regard to the Unemployment Compensation Fund.

Committee Amendment "A" (H-502) proposed to delete the section of the original bill that requires the Commissioner of Labor to study the unemployment compensation program. The solvency of the Unemployment Compensation Fund will be studied by the commission created by LD 332.

Enacted law summary

Public Law 1997, chapter 380 protects the solvency of the Unemployment Compensation Fund by reducing the maximum weekly benefit amount by 6% from September 28, 1997 to September 26, 1998 and by reducing the weekly benefit amount by \$3 for all new claims filed in 1998. The law also imposes a surtax on employers of 4/10 of 1% of covered wages and tax Schedule P for 1998.

LD 1755

Resolve, to Study the Efficiency of the State's Work Force Development Programs

ONTP

Sponsor(s)
WINN

Committee Report
ONTP

Amendments Adopted

LD 1755 proposed to establish the Work Force Development Study Group, with representatives from a variety of agencies and individuals interested in work force development. The study group would have been required to review the various work force development programs and develop and implement a plan to streamline and coordinate work force development efforts. The study group would have been required to place particular emphasis on increasing the amount of students served with existing resources and on incorporating the needs of at-risk students, special education students and rural or geographically disadvantaged students. See LD 1815.

LD 1797

An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System

**PUBLIC 384
EMERGENCY**

Sponsor(s)
HATCH

Committee Report
OTP

Amendments Adopted

LD 1797 was presented by the retirement system as a housekeeping bill. The bill proposed to repeal the requirement that members of the Judicial Retirement System file statements of health. Public Law 1995, chapter 643, enacted in 1996, repealed the requirement that state employees, Legislators and participating local district employees file statements of health at the time of employment as the statements are no longer used by the Maine State Retirement System. In addition the clarified various disability retirement provisions of current law. This bill also proposed to reenact language that, for the reason of clarity, should not have been deleted by amendments enacted by Public Law 1991, chapter 887.

Enacted law summary

Public Law 1997, chapter 384 repeals the requirement that members of the Judicial Retirement System file a statement of health, clarifies various provisions of current disability retirement law and reenacts certain disability retirement provisions that were erroneously repealed. Chapter 384 was enacted as an emergency measure effective May 31, 1997.

LD 1815

An Act to Enhance the State's Work Force Development System

PUBLIC 410

Sponsor(s)
CATHCART
HATCH

Committee Report
OTP-AM

Amendments Adopted
H-634 HATCH
S-246

LD 1815 proposed to combine nine existing workforce councils into one council called the Maine Jobs Council. The proposed council's purpose is to provide ongoing oversight of Maine's workforce development system and to make recommendations to the Governor and the Legislature on ways to improve that system. The nine

organizations proposed to be collapsed into the new Maine Jobs Council are: The Governor's Committee on Employment of People with Disabilities, the Maine Council on Vocational Education, the Maine Enterprise Option Advisory Committee, the Maine Human Resource Development Council, the Maine Occupational Information Coordinating Committee, the School-to-Work CO2 Executive Committee, the School-to-Work CO2 Delegate Agency Council, the School-to-Work CO2 Steering Committee and the State Apprenticeship Council.

Committee Amendment "A" (S-246) proposed to clarify the responsibilities of the Maine Jobs Council and proposed that the council have the additional responsibility of ensuring balance between rural and urban workforce development. The amendment also would have required that consideration be given to the balance among small, medium and large firms within the business representation on the council, and clarified that organized labor comprise no less than 15% of the total membership on the council. The amendment proposed to completely replace the specified functions and duties of the council with language to clarify that the council's role is to provide policy recommendations, and in some cases oversight, in the areas listed. The amendment also proposed that the responsibilities of the State Apprenticeship and Training Council be assumed by the Maine Jobs Council through its subcommittee on apprenticeship.

House Amendment "A" (H-634) This amendment proposed two punctuation corrections.

Enacted law summary

Public Law 1997, chapter 410 combines nine existing workforce councils into one council called the Maine Jobs Council. The council's purpose is to provide ongoing policy recommendations to the Governor and the Legislature on Maine's workforce development system and to provide oversight of certain aspects of that system. The nine organizations collapsed into the new Maine Jobs Council are: The Governor's Committee on Employment of People with Disabilities, the Maine Council on Vocational Education, the Maine Enterprise Option Advisory Committee, the Maine Human Resource Development Council, the Maine Occupational Information Coordinating Committee, the School-to-Work CO2 Executive Committee, the School-to-Work CO2 Delegate Agency Council, the School-to-Work CO2 Steering Committee and the State Apprenticeship Council.

LD 1839 **An Act to Promote Temporary Service by Retired Public Employees** **ONTP**

<u>Sponsor(s)</u> CHIZMAR	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1839 would have provided that if a recipient of a service retirement benefit under the Maine State Retirement System is restored to service and enters into a written agreement with the recipient's employer that provides that any part of the compensation for services be deferred to a subsequent year, this deferred compensation must be treated as having been received in the year in which it is actually paid.

LD 1843

**Resolve, Directing the Department of Labor to Transfer
Appropriate Functions and Positions to the Office that Houses the
Fort Kent Employment Security Office**

ONTP

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

LD 1843 would have directed the Department of Labor to transfer appropriate functions and personnel, including, but not limited to, a Job Service office, to the office that houses the unemployment compensation office in Fort Kent, which is being closed.

LD 1847

**An Act to Modify the Retirement Laws for the 38th Training Troop CARRIED OVER
of the Maine State Police**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY CAREY		

LD 1847 proposes to change the cutoff date for eligibility of retirement benefits after 20 years of creditable service for state police officers from September 1, 1984, to September 16, 1984. The purpose of this bill is to make members of the Maine State Police 38th Training Troop eligible for retirement benefits upon the completion of 20 years of creditable service, with no age restrictions. These are the eligibility requirements and benefits available to state police until August 31, 1984 and were awarded to all training classes before Troop 38. Members of the 38th Training Troop were not officially hired until September 3, 1984, two days after the law imposing the new 25 years of service and 55 years of age requirement took effect. This bill was carried over to the Second Regular Session.

Joint Standing Committee on Labor

SUBJECT INDEX

Employment Conditions - General

Enacted

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Not Enacted

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Employment Conditions - Health and Safety, Substance Abuse Testing

Enacted

LD 454	An Act to Amend the Drug Testing Program Approval Laws	PUBLIC 49	Page 562
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Not Enacted

LD 60	An Act to Provide for the Collection of Data Relating to the Risks from Exposure to Chemicals in the Workplace	ONTP	Page 548
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Employment Conditions - Minors

Enacted

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LD 901	An Act to Allow Minors under 16 Years of Age to Work at Certain Commercial Places of Amusement	PUBLIC 353 EMERGENCY	Page 571
LD 1244	An Act to Clarify Part-time School Week for the Purpose of Enforcing Child Labor Laws in the State	PUBLIC 131	Page 580

Not Enacted

None

Public Sector Labor Relations

Enacted

LD 1393	An Act Amending the Compensation for Members of the Panel of Mediators	PUBLIC 412	Page 583
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Not Enacted

LD 147	An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Fewer Than 6 Months	VETO SUSTAINED	Page 552
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Retirees Health Insurance

Enacted

LD 86	An Act to Clarify Eligibility for State Employee Health Insurance Program Benefits	P & S 9 EMERGENCY	Page 549
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Not Enacted

LD 174	An Act to Increase Health Insurance Benefits for Retired Educators	CARRIED OVER	Page 553
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Enacted

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LD 1226	An Act to Amend the Retirement System as it Pertains to Qualified Survivors	PUBLIC 396	Page 579
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Not Enacted

LD 336	An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage	ONTP	Page 558
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LD 1497	An Act to Amend the Benefits Received by Legislators	ONTP	Page 588
LD 1839	An Act to Promote Temporary Service by Retired Public Employees	ONTP	Page 600
LD 1847	An Act to Modify the Retirement Laws for the 38th Training Troop of the Maine State Police	CARRIED OVER	Page 601

Retirement - Disability and Life Insurance

Enacted

LD 1797	An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System	PUBLIC 384 EMERGENCY	Page 599
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Not Enacted

None

Retirement - Educators

Enacted

LD 988	An Act to Exclude Coaches from Participation in the Maine State Retirement System	PUBLIC 355 EMERGENCY	Page 572
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LD 1027	An Act to Permit Teachers to Transfer Retirement System Creditable Service Earned as a Teacher's Aide while Employed by a School and Covered by a Participating Local District	PUBLIC 161	Page 575
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Not Enacted

LD 659	An Act to Authorize Members of the Maine State Retirement System to Combine Years of Service Under Different Plans	ONTP	Page 566
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Retirement - Eligibility and Service Credit

Enacted

LD 878	An Act to Further Facilitate the Purchase of Service Credit in the Maine State Retirement System	PUBLIC 190	Page 570
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LD 988	An Act to Exclude Coaches from Participation in the Maine State Retirement System	PUBLIC 355 EMERGENCY	Page 572
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LD 1027 **An Act to Permit Teachers to Transfer Retirement System Creditable Service Earned as a Teacher's Aide while Employed by a School and Covered by a Participating Local District** **PUBLIC 161** **Page 575**

LD 1590 **An Act to Provide Retirement Benefit Options for Fire Marshals and Motor Vehicle Investigators** **PUBLIC 401** **Page 594**

Not Enacted

LD 659 **An Act to Authorize Members of the Maine State Retirement System to Combine Years of Service Under Different Plans** **ONTP** **Page 566**

LD 1100 **An Act to Amend the Laws Relating to Vesting in the Maine State Retirement System** **CARRIED OVER** **Page 575**

LD 1383 **An Act to Provide Part-time State and Participating Local District Employees with the Option of Joining the Maine State Retirement System** **ONTP** **Page 583**

LD 1847 **An Act to Modify the Retirement Laws for the 38th Training Troop of the Maine State Police** **CARRIED OVER** **Page 601**

Retirement - Participating Local Districts

Enacted

LD 756 **An Act to Continue the Participating Local District Consolidated Plan Advisory Committee** **PUBLIC 12** **Page 568**
EMERGENCY

Not Enacted

LD 870 **An Act to Protect Pension Benefits of Participating Local District Members** **ONTP** **Page 570**

Retirement System Administration

Enacted

LD 298 **An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1998** **P & S 12** **Page 555**
EMERGENCY

LD 1797 **An Act to Amend the Provisions of the Disability Retirement Laws Administered by the Maine State Retirement System** **PUBLIC 384 EMERGENCY** **Page 599**

Not Enacted

LD 577 **An Act Increasing the Number of Members of the Board of Trustees of the Maine State Retirement System** **ONTP** **Page 563**

LD 999 **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System** **CARRIED OVER** **Page 573**

Unemployment Compensation and Employment Training

Enacted

LD 49 **An Act to Exempt Contract Dance Instructors and National Service Volunteers from the Unemployment Tax** **PUBLIC 431 EMERGENCY** **Page 558**

LD 332 **Resolve, to Establish the Commission to Study the Unemployment Compensation System** **RESOLVE 65 EMERGENCY** **Page 557**

LD 389 **An Act to Exclude from the Definition of "Employment" Services Provided by Lessees of Taxicabs** **PUBLIC 349** **Page 560**

LD 1189 **An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program** **PUBLIC 130** **Page 578**

LD 1429 **An Act to Amend the Maine Apprenticeship Program** **PUBLIC 522** **Page 584**

LD 1517 **An Act to Enhance the Collection of Unemployment Benefit Overpayments** **PUBLIC 434** **Page 589**

LD 1709 **An Act Regarding Errors and Inconsistencies in the Maine Employment Security Law** **PUBLIC 293** **Page 597**

LD 1734	An Act to Remove the Disqualification for Unemployment Insurance Benefits for Claimants Who Are Locked Out by an Employer	PUBLIC 391	Page 598
LD 1753	An Act to Preserve the Solvency of the Unemployment Compensation Fund	PUBLIC 380	Page 598
LD 1755	Resolve, to Study the Efficiency of the State's Work Force Development Programs	ONTP	Page 599
LD 1815	An Act to Enhance the State's Work Force Development System	PUBLIC 410	Page 600
<u>Not Enacted</u>			
LD 96	An Act to Exempt Seasonal Golf Course Employees from the Unemployment Compensation Laws	ONTP	Page 550
LD 168	An Act to Amend the Eligibility Requirements for Collecting Unemployment Benefits	ONTP	Page 552
LD 173	An Act to Provide Disclosure of the Bureau of Unemployment Compensation Records and Reports to Authorized Agents	ONTP	Page 553
LD 270	An Act to Have Taxi Drivers Deemed as Independent Contractors	ONTP	Page 555
LD 355	An Act to Further Define Disqualification for Unemployment Benefits	ONTP	Page 559
LD 630	An Act to Create a Toll-free Number for Regional Unemployment Offices	ONTP	Page 565
LD 1110	An Act to Decrease the Threshold Amount Required for Receiving Unemployment	ONTP	Page 576
LD 1309	An Act to Provide for the Interception of an Individual's Unemployment Compensation to Repay an Overissue of Food Stamp Coupons	ONTP	Page 581
LD 1406	An Act to Clarify Laws Relating to Unemployment Compensation for Service with Nonprofit Organizations, Educational Institutions, State Government and Local Governments	ONTP	Page 584
LD 1724	An Act to Amend the Unemployment Insurance Laws	ONTP	Page 598

LD 1843	Resolve, Directing the Department of Labor to Transfer Appropriate Functions and Positions to the Office that Houses the Fort Kent Employment Security Office	ONTP	Page 601
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Workers' Compensation

Enacted

LD 1140	An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers	PUBLIC 359 EMERGENCY	Page 577
LD 1351	An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Nonresident Employers	PUBLIC 366	Page 582
LD 1523	An Act to Make the Workers' Compensation System More Equitable	PUBLIC 486	Page 590

Not Enacted

LD 75	An Act to Provide that the Change in Calculation of Workers' Compensation Benefits to Include Fringe Benefits Does Not Apply Retroactively	ONTP	Page 549
LD 136	An Act to Require Workers' Compensation Hearings within 30 Days of a Request	ONTP	Page 551
LD 138	An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Worker Reinstatement Rights	ONTP	Page 551
LD 189	An Act to Exempt Companies That Employ 5 People or Fewer from Carrying Workers' Compensation Insurance	ONTP	Page 554
LD 321	An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Compensation for Total Incapacity	DIED BETWEEN BODIES	Page 556
LD 462	An Act to Require Employers to Pay the Legal Fees of an Employee Who Wins a Workers' Compensation Case	ONTP	Page 563

LD 625	An Act to Clarify the Laws Governing the Calculation of Interest on Decrees under the Workers' Compensation Laws	ONTP	Page 565
LD 830	Resolve, Directing the Workers' Compensation Board to Study the Effect on Injured Workers of Delayed Medical Treatment and Payment of Valid Claims by Insurance Companies	ONTP	Page 569
LD 835	Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law	CARRIED OVER	Page 569
LD 1023	An Act to Clarify the Definition of Total Incapacity for the Purpose of Workers' Compensation	ONTP	Page 574
LD 1024	An Act To Provide That Disability Benefits for Partial Incapacity Be Continued for the Full Duration of Disability	ONTP	Page 574
LD 1101	An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Payment of Benefits Pending Appeal	ONTP	Page 576
LD 1127	An Act to Change the Definition of Occupational Disease for Purposes of the Occupational Disease Law	ONTP	Page 576
LD 1130	An Act Restoring the Right to Sue to Workers Injured Due to Negligence	ONTP	Page 577
LD 1131	An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence	ONTP	Page 577
LD 1180	An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers	VETO SUSTAINED	Page 578
LD 1192	An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers	CARRIED OVER	Page 579
LD 1193	An Act to Permit a Suit Against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death	CARRIED OVER	Page 579
LD 1318	An Act to Clarify the Doctrine of Res Judicata in Workers' Compensation Cases	CARRIED OVER	Page 582

LD 1456	An Act to Increase the Maximum Benefit Levels Provided for Injured Workers	ONTP	Page 585
LD 1457	An Act to Extend the Period for Payment of Workers' Compensation Benefits	CARRIED OVER	Page 585
LD 1472	An Act to Modify the Work Search Requirements for Workers' Compensation Recipients	ONTP	Page 586
LD 1474	An Act to Provide for Limited Payment of Attorney's Fees for Injured Workers Who Prevail on Meritorious Claims	ONTP	Page 586
LD 1477	An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry	DIED BETWEEN BODIES	Page 587
LD 1493	An Act to Adopt an Orderly Procedure for Determining the End of Entitlement to Partial Workers' Compensation Benefits	ONTP	Page 587
LD 1567	An Act to Reinstate Limited Rehabilitation Benefits under the Maine Workers' Compensation Act of 1992 for Those with Long-term Disabilities	CARRIED OVER	Page 592
LD 1708	Resolve, Establishing the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases	CARRIED OVER	Page 597

Miscellaneous

Enacted

LD 1245	An Act to Revise the Confidentiality Provisions of the Maine Revised Statutes, Title 26	PUBLIC 132	Page 580
LD 1429	An Act to Amend the Maine Apprenticeship Program	PUBLIC 522	Page 584
LD 1578	An Act to Protect Workers and Establish Labor Standards for "Workfare" Participants	PUBLIC 443	Page 593
LD 1644	An Act to Give the Director of the Bureau of Labor Standards Rule-making Authority for All Wage and Hour and Other Related Laws That the Bureau of Labor Standards Is Charged with Enforcing	PUBLIC 377	Page 595

LD 1815	An Act to Enhance the State's Work Force Development System	PUBLIC 410	Page 600
 <u>Not Enacted</u>			
LD 66	An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike	VETO SUSTAINED	Page 549
LD 113	An Act to Prohibit the Employment of Professional Strikebreakers	VETO SUSTAINED	Page 551
LD 163	An Act to Shift from Small Business Owners to the Department of Labor the Responsibility for Providing the Department of Human Services with Information on New Employees	ONTP	Page 552
LD 300	An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike	CARRIED OVER	Page 556
LD 1661	An Act to Implement the Recommendations of the Blue Ribbon Commission on Hunger and Food Security	CARRIED OVER	Page 596
LD 1755	Resolve, to Study the Efficiency of the State's Work Force Development Programs	ONTP	Page 599
LD 1843	Resolve, Directing the Department of Labor to Transfer Appropriate Functions and Positions to the Office that Houses the Fort Kent Employment Security Office	ONTP	Page 601

