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House of Representatives
One Hundred and Twentieth Legislature
State of Maine

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An Act to Amend the Licensing Provisions for Private Investigators

(H.P. 398) (L.D. 519)
(C. "A" H-186)

TABLED – May 3, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **PASSAGE TO BE ENACTED.**

On motion of Representative RICHARDSON of Brunswick, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-186)** was **ADOPTED.**

The same Representative presented **House Amendment "A" (H-430)** to **Committee Amendment "A" (H-186)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. This is a technical amendment to the original Committee Amendment "A" report. It simply clarifies that it takes at least one year, but no more than two years for someone hoping to achieve a private detective license, hoping to achieve at least 1,700 hours of training during that period. It is no less than one year, but no more than two years where you need to accumulate 1,700 hours of training. It makes that clear. Thank you.

House Amendment "A" (H-430) to **Committee Amendment "A" (H-186)** was **ADOPTED.**

Committee Amendment "A" (H-186) as Amended by **House Amendment "A" (H-430)** thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-186)** as Amended by **House Amendment "A" (H-430)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act to Eliminate Unnecessary Paperwork for Wage-hour Compliance"

(H.P. 423) (L.D. 544)

- In House, Bill and accompanying papers **INDEFINITELY POSTPONED** on May 2, 2001.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114)** in **NON-CONCURRENCE.**

TABLED – May 4, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **FURTHER CONSIDERATION.**

On motion of Representative USHER of Westbrook, the House voted to **RECEDE AND CONCUR.**

On motion of Representative SMITH of Van Buren, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR.**

The same Representative **REQUESTED** a roll call on the motion of Representative USHER of Westbrook to **RECEDE AND CONCUR.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. This is a matter involving the overtime compensation for certain selected employees of new car dealerships. We debated this at length several weeks ago. I don't believe there has been any change in the circumstances. To many of us, we know that there will be overtime benefits not made available to these employees. One thing should be considered is that we have passed over the years minimum wage laws, overtime compensation laws and limitations on overtime, all which were based upon the proposition that the workers did not have an equal bargaining relationship and needed these protections. Nothing has changed. In order to protect these workers in our state who do not have an equal bargaining position and who are forced to take what is offered, then we have to step in and provide for them. Take a good hard look at this. This is, again, a situation where we, the Legislature, have to protect the workers who do not have an equal bargaining position. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Men and Women of the House. I don't want to delay the debate on this any longer than we have to, but I would like to compliment the good Representative from Bangor, Representative Perry, for taking the time after the last debate to go out and talk to some of the dealerships in his area. As a matter of fact, he distributed a yellow flyer from Bangor that was signed by 28 people who were affected by this bill. They plead with us to help them reduce the paperwork in that dealership because it is unnecessary. I hope that if you got that and read it, I hope you will remember that and there is also another flyer going around right now asking for your support on LD 544.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. I join with Representative Treadwell asking you to look at this handout. You will find that everybody signed it. I think when you look at it, you will find it was not written by the employees. This is the perfect example of employees having to do what they are told to do and take what they are given. We need to protect these people. I urge you to vote against the motion to Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. There is another handout going around from a guy I spent some time with. He does this for work. I mentioned him a few weeks ago that I drove down to Florida with him and that I had asked him about this bill. I told him how the vote went and you can read for yourself the unedited version of the e-mail he sent back to me. This is his profession. He sees it as a waste of time. It is a protection that he doesn't need. He asked us to get rid of this unnecessary paperwork. This is from a real worker who does this. It wasn't forced. I certainly have no influence over him. He lives in Waterboro, as you see. I don't have very much influence over him. I urge you to go along with the Recede and Concur motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House. I remind you that anybody who makes more than \$7.72 an hour isn't concerned about this. Anyone

making less than that, does have to be concerned because it may, in fact, even be cheating them out of the minimum wage.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative USHER: Mr. Speaker, Men and Women of the House. I am the cosponsor of this legislation. Down in Exit 8 area, we have many, many car dealers. I have been contacted by three or four of them. This bill is about reducing the paperwork burden. It does not reduce any of the employee's pay. It is very critical that they comply with the Maine law. It would be very helpful if we had this bill.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. When we talk about allowing workers to not be protected under the wage and hour laws, we have to think about long-term affects. I have negotiated a number of contracts and a lot of arbitration cases and when you look at that, you have to look 20 or 30 years out into the future. This situation as it lays today may not affect them. I don't see, as the Department of Labor didn't see, where this move would help the workers at all and 20 or 30 years out there, they will lose their protection under the wage and hour laws and for what? So the company won't have to run the calculations through the computer to run payroll. It is not worth it. I would ask you to defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. To any individual who is willing to answer, did the Department of Labor testify for this bill? If they did, could you tell us exactly what they said? Thank you.

The SPEAKER: The Representative from Rome, Representative Tracy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House. The Department of Labor sent a letter to the committee and did testify. The Department of Labor urged the committee to vote LD 544 Ought Not to Pass. They said, "Against a backdrop of little benefits being achieved and the high risk for mistaken violation of federal law, the department urges the committee to vote LD 544 out Ought Not to Pass."

Representative MacDOUGALL of North Berwick REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House. As chance would have it this morning, my car broke down and I talked to some of the dealerships in Falmouth. They consider themselves professional people. They do not consider themselves in labor unions. I think we ought to keep that in mind when we vote. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 165

YEA - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Bunker, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Fisher, Foster, Fuller, Gagne, Glynn, Gooley, Haskell, Heidrich,

Honey, Jodrey, Jones, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McDonough, McGowan, McKenney, Mendros, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Povich, Richard, Rosen, Schneider, Sherman, Shields, Skoglund, Snowe-Mello, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Canavan, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Mayo, McGlocklin, Michaud, Mitchell, Norbert, Norton, O'Brien LL, Paradis, Patrick, Pineau, Quint, Richardson, Rines, Savage, Simpson, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

ABSENT - Bagley, Baker, Goodwin, Koffman, Landry, Matthews, McKee, McLaughlin, McNeil, Michael, Perry, Stedman, Wheeler GJ.

Yes, 73; No, 65; Absent, 13; Excused, 0.

73 having voted in the affirmative and 65 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

SENATE DIVIDED REPORT – Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-111) – Minority (6) Ought Not to Pass – Committee on LABOR on Bill "An Act to Clarify the Qualifications for Health Care Providers Conducting Employer-requested Examinations"

(S.P. 155) (L.D. 499)

- In Senate, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-111).

TABLED – May 4, 2001 (Till Later Today) by Representative BUNKER of Kossuth Township.

PENDING – Motion of same Representative to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. This is another one of those workers' comp bills that came to the Labor Committee because of one incident that occurred at some point in the past. There was an injured worker who had four different medical exams. The only one of those medical exams that followed the guidelines of the American Medical Association Guide for disability was done by a doctor who is an expert in the field. I would just like to read some of the information that came from a letter that was presented to us from the Labor Committee. It says, "This bill would adversely impact injured workers and the State of Maine. It would appear that the consequences of this bill have not been adequately considered. The task of performing an independent medical examination, as required under 207 of the Workers' Comp Act of 1992 is complex and requires a special skill set that few physicians have. The issues encountered are not those typically encountered by active treating physicians. Rather, they deal with assessing causation understanding issues related to complications of injuries and the very difficult task of assessing permanent impairment correctly according to the AMA Guide and the evaluation of permanent impairment. This last issue is particularly important in our state. Regarded as the nation's leading expert on the guides, this doctor says, "I have written