

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2242

H. P. 1770

House of Representatives, January 2, 1974

Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. McTeague of Brunswick.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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**AN ACT to Create the Interstate Compact for Workmen's Compensation.**

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Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 39, c. 7, additional. Title 39 of the Revised Statutes is amended by adding a new chapter 7 to read as follows:

**CHAPTER 7**

**WORKMEN'S COMPENSATION COMPACT**

**SUBCHAPTER I**

**COMPACT**

**ARTICLE I—PURPOSES**

§ 261. Purposes

The purposes of this compact are to:

1. Promote improvement. Promote the continuing improvement of state workmen's compensation systems.
2. Provide all inclusive system. Establish an all inclusive system for providing extraterritorial protection so that the administration of workmen's compensation systems and the delivery of services and benefits may function smoothly in instances involving more than one jurisdiction.
3. Establish reforms. Establish quantitative and qualitative reforms for workmen's compensation systems without inhibiting individual state initiative in seeking further improvement.

4. Measure performance. Assist the states and other interested persons and entities to measure the performance of workmen's compensation systems.

5. Promote compatibility. Assist the states in promoting compatibility in significant components of workmen's compensation systems.

6. Provide information interchange. Provide a regular and official means for the collection and interchange of information and data relating to workmen's compensation systems.

7. Further administrative research and assistance. Establish an interstate commission for the furtherance of research and provision of technical assistance in workmen's compensation and matters related to the administration thereof.

## ARTICLE II — POLICY

### § 262. Policy

It is the policy of the party states to:

1. Assure application. Assure application of workmen's compensation systems to employees and employers.

2. Maintain and improve systems. Maintain and improve their workmen's compensation systems with particular emphasis on effective medical services and on measures designed to rehabilitate workers who have experienced injury or disease, to the end that they may not be disabled or may be assisted in overcoming the effects of such disabling injury or disease.

3. Minimize loss of earnings. Continually provide a system of compensation that will minimize to the extent practicable the loss of earnings suffered by persons on account of occupational injuries and diseases.

4. Improve administration. Provide, both individually and cooperatively through this compact, systems of state administration that will promote and accelerate prompt determination of obligations to pay benefits and provide services to employers and employees and to provide efficient administration.

It is the intent of the party states and of this compact to retain primary responsibility for the content and administration of workmen's compensation laws in the individual states. Nevertheless, the party states recognize that cooperation among them and common acceptance of some principles and requirements is important to the proper development of workmen's compensation systems and to the solution of interstate problems.

Each of the party states recognize that superior administration and effectiveness in its delivery system for services and benefits may give it an advantage in creating and maintaining a favorable environment for business and labor. However, it is the policy of the party states that workmen's compensation systems are for the provision of benefits and services associated with employment injuries and for the rehabilitation of injured workers and that they are not to be enacted or administered as elements of competitive advantage or disadvantage as among states.

The party states recognize that reduction of risk of injury, maintenance or replacement of income lost through injury, and coordination of benefit and rehabilitation programs designed to protect workers and their dependents from the consequences of injuries will be furthered by cooperation among governmental and private interests. To these ends, this compact provides means for the states to cooperate among themselves and with others interested in workmen's compensation and other programs having a bearing on safety, care and treatment of injury, rehabilitation and prevention or reduction of economic loss.

### ARTICLE III — DEFINITIONS

#### § 263. Definitions

As used in this compact:

1. State. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

2. Injury. "Injury" shall have the same meaning in a party state as the term has in or pursuant to the workmen's compensation law of that party state. In addition, the term shall be construed to include all diseases which arise out of and in the course of the employment, whether or not they are otherwise included pursuant to the occupational disease law of the party state. However, "injury" shall not include any communicable disease unless risk of contracting such disease is increased by the nature of the employment.

3. Self-insurer. "Self-insurer" means an employer who, by proper application to the appropriate state agency, has received specific qualification as a self-insurer, which qualification has not been suspended or revoked.

### ARTICLE IV — ELEMENTS AND REQUIREMENTS OF STATE LAWS

#### § 264. Elements and requirements of state laws

1. Coverage. Every employer whether public, private, profit or nonprofit in each party state shall be subject to the workmen's compensation laws of the state and every employee shall be covered by the workmen's compensation law of the state in which he is regularly employed, except as otherwise expressly provided or allowed by this Article or Article V. If a state constitution prevents compulsory coverage, it shall be sufficient if the state enacts and keeps in force laws calculated to produce in fact as close to the effects of compulsory coverage as possible.

2. Exemptions. Any provisions of this compact to the contrary notwithstanding, a party state may exempt the following employees or any of them from the coverage of its workmen's compensation law:

A. Any domestic servant not regularly employed in or about a private residence or residences, by a single employer who is the owner or tenant thereof, for more than 20 hours per week; provided that no domestic servant engaged to work for a number of hours sufficient to require coverage may be exempted because injured prior to having worked 20 hours.

B. Any person employed in or about a private residence or residences, by a single employer who is the owner or tenant thereof, to do maintenance, repair, remodelling or similar work for not to exceed 7 consecutive work-days.

C. Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

D. Any person for whom a rule or liability for injury or injury-related death is provided by the laws of the United States.

3. Minimum and additional benefits. The workmen's compensation system of each party state is designed to balance the worker's interest in substantial income benefits and other factors such as the loss of incentive for rehabilitation. It is recognized that a perfect balance of these contending interests cannot be reached by a formula or other means. Accordingly, this compact requires reasonable minimum benefit levels which the laws of each party state must implement. Additional income benefits, if any, shall be as in the laws of each party state.

Subject to any waiting period provided by the laws of a party state and consistent with this compact, an employee who has suffered an injury shall be entitled to weekly income benefits during the period of his total disability, computed as follows:

Subject to the provision of this subsection,  $\frac{2}{3}$  of his average weekly gross wage or salary payable periodically and computed as the laws of the state shall provide, but nothing in this compact shall be construed to prevent a state from enacting, continuing or administering a law providing income benefits in accordance with any other plan or formula if pursuant thereto an injured worker with 3 dependents receives income benefits at least equal to those which would be required pursuant to this subsection. The compliance of any such plan or formula with the requirements of this compact shall be deemed to have taken place if demonstrated by reference to recognized tax and benefit tables applicable to employees having the same number of dependents, without regard for individual variations in taxable income, take home pay or other benefits or income variations caused by an employee's particular circumstances.

Such additional income benefits as may be provided or required pursuant to the laws of the state.

If the laws of a state provide for a maximum weekly limit on income benefits, such limit shall be no less than 100% of the average weekly gross wage or salary of workers in the state. For purposes of this paragraph, the average weekly gross wage or salary of workers in the state shall be computed annually from the most recently available data, either from unemployment compensation records of the state or from any other appropriate and authoritative source of relevant data as may be provided by state law. During a period to commence not less than 90 days from the date on which the computation is made and published, the average gross weekly wage or salary of workers in the state shall be considered to be the figure computed pursuant

hereto. Unless the law of a party state so allows, an individual's weekly benefit, once established, shall not be altered because of a change in the state's maximum weekly benefit limit, as determined pursuant to the provisions of this paragraph. Any state enacting this compact may by express provision of law enacted at the same time as this compact postpone the effective date of this subsection for a period not to exceed one year from the enactment of the compact.

Except as may be provided pursuant to or in accordance with this subsection, the laws of a party state may not limit the dollar amount of income benefits to be paid on account of total disability. Such laws may not limit the time for which income benefits shall be paid to a period less than the actual continuance of total disability.

The laws of a party state may provide for waiting periods before entitlement to workmen's compensation income benefits may begin, but no such waiting period shall be longer than 3 days from the date of disability. If disability continues for longer than 14 days, the entitlement shall apply from the time of the disability but shall not include the first day of the disability if the employer pays the employee his regular wage, salary or other remuneration for that day.

4. Employer requirements. The laws of each party state shall require the employer to provide, without time or dollar limitation, all medical and physical rehabilitation services, equipment, facilities and supplies necessary for the care, cure, amelioration or relief, insofar as practicable, of the effects of the injury.

5. Rehabilitation services. The laws of each party state shall provide for and encourage the full utilization of rehabilitation services and programs so that an injured worker may be assisted in his efforts to return to work at his previous employment or, as nearly as may be, at equivalent employment. However, nothing herein shall be construed to prevent or limit the use by an employer, an employee, or any other party of public or nonprofit facilities and programs, with or without charge or reimbursement, to the extent that they may be available.

6. Impaired persons; injury fund. It is the policy of the party states to encourage the employment of permanently physically impaired persons whose impairment may be a substantial obstacle to employment in the regular work force. To this end, the workmen's compensation law of a party state shall, within 2 years from its enactment of this compact, provide for a subsequent injury fund and such attendant provisions as will ensure an appropriate distribution of risk and liability on account of the employment of such persons.

7. Statute of limitations and procedural requirements. Statutes of limitations and procedural requirements relating to claims pursuant to the workmen's compensation laws shall be as provided in the laws of each party state. However, in cases where the nature of an injury or its relationship to the employment is not known or should not reasonably be known to the employee, the time for filing a claim shall not begin to run until:

A. The employee knows or by exercise of reasonable diligence should know of the existence of the injury and its possible relationship to his employment; and

**B. Becomes disabled.**

8. **Death benefits.** Under the laws of each party state, death benefits shall be provided for dependent widows, widowers and children of all employees whose death is attributable to injury. Such benefits for a dependent widower or widow shall continue for his or her life or until remarriage. In the event of remarriage, at least 2 years' benefits shall be paid to the dependent widow or widower in a lump sum. Benefits for a dependent child shall be continued at least until the child reaches 18 years of age, or beyond such age if physically or mentally incapacitated to the extent of being unable to earn a livelihood or at least until 23 years of age if enrolled as a full-time student in an educational institution accredited or approved by an agency of a state or the United States, or by a recognized regional or professional accrediting organization. Except as otherwise expressly required or allowed by this compact, the aggregate of periodic death benefits payable to or for all dependents shall be computed on the same basis as income benefits for injured workers are computed pursuant to state law.

**ARTICLE V — EXTRATERRITORIALITY**

**§ 265. Extraterritoriality**

An employee who suffers an injury, or his dependents in the case of his death, shall be entitled to claim under the workmen's compensation laws of his state of regular employment, whether the injury occurred in that state or elsewhere.

If an employee, while working outside the territorial limits of the party state of his regular employment suffers an injury or death, such employee, or his dependents in the case of his death, may elect to claim under the laws of the party state where the injury occurred, and the appropriate agencies and courts thereof shall have jurisdiction to adjudicate and enforce the claim and to require the provision of compensation or services in connection therewith.

The payment or award of benefits under the workmen's compensation law of a jurisdiction other than the party state of regular employment to an employee or his dependents shall not be a bar to a claim for benefits under the laws of the party state of regular employment; provided that claim under the law of his state of regular employment is filed within 2 years after such injury or death, and provided further that in any case to which Article IV, subsection 7, of this compact applies, the 2-year period provided therein shall not begin to run except as provided in Article IV, subsection 7.

If compensation is paid or awarded under the laws of the party state of regular employment, income benefits, death benefits and the cost of medical or rehabilitation benefits paid or awarded the employee under the workmen's compensation law of any other jurisdiction shall be credited against the total amount of benefits of the same category which would have been due the employee under the workmen's compensation law of the employee's state of regular employment had claim been made solely thereunder. Nothing herein shall be construed to modify or limit the requirements of Article VI, 2nd paragraph, of this compact or of any other laws implementing or consistent therewith.

In addition to any other requirements of the party state applicable to policies or coverage, a policy of workmen's compensation insurance or coverage provided by a state insurance fund covering employees regularly employed in the party state shall cover the employer's obligation to such employees on account of injuries occurring in party states other than the party state of regular employment. The insurance regulatory agency of each party state shall approve appropriate provisions or endorsements for such coverage under workmen's compensation policies. An employer who has satisfied his obligation with respect to workmen's compensation coverage in the employee's state of regular employment by qualifying as a self-insurer shall have the status of a self-insurer with respect to that employee in every other state party to this compact, provided that nothing herein shall prevent an employer who is a self-insurer in one state from electing to satisfy his obligation in another state by securing coverage from a state fund or insurance company.

If the law or administrative regulations of the party state specifically so allow, an employer may satisfy his obligation to provide workmen's compensation coverage for his employees by dividing such coverage:

1. Among 2 or more contracts. Among 2 or more contracts or policies of workmen's compensation insurance or;
2. Among state insurance fund and one or more contracts. Among a state insurance fund and one or more contracts or policies of workmen's compensation insurance or;
3. Among self and state insurance or contracts. Among self-insurance and a state insurance fund or one or more contracts or policies of workmen's compensation insurance.

If an employee is entitled to claim workmen's compensation benefits in a jurisdiction other than the party state of his regular employment nothing in this compact shall be construed to limit such claim or the right to receive benefits pursuant thereto, except that the provisions of the 2nd, 3rd and 4th paragraphs of this Article shall apply.

In the case of injury or death which occurs in a party state, other than the state of regular employment, in which the employer has not secured payment of compensation, upon proof of workmen's compensation coverage in the party state of regular employment by an insurance company, state fund, or self-insurance, the employer shall be deemed to have provided security for the payment of compensation with respect to the particular injury or death.

If the only activity of an insurance company, state insurance fund or self-insurer in a party state is in connection with meeting the liability of employers to their employees injured in party states other than their party state of regular employment, the insurance company, state insurance fund or self-insurer shall not be required to obtain authority to do business in the party state nor shall such activity be deemed the doing of business in the state. Nevertheless, provision of the coverage and the occurrence of an injury on account of which a workmen's compensation claim is made or on account of which the employer makes or is required to make payments or provide serv-

ices to the injured employee shall be sufficient to establish the jurisdiction of the state and its courts and agencies over the insurance company, state insurance fund or self-insurer for the purpose of adjudicating the claim or enforcing payment or the provision of services in connection with the injury. An employer whose employee is injured in a party state other than his party state of regular employment and who does not maintain therein a regular place of business at which service of process can be effectively made upon him shall be deemed to have appointed an appropriate state agency official, or employee, as identified by the laws of the state, or his agent for acceptance of the service of process in any action or proceeding making or related to a claim growing out of the injury. The laws of each party state shall provide for the giving of notice of any such service and transmittal of the process and any accompanying documents or materials to the employer.

The "state of regular employment" shall be determined in accordance with the criteria set forth in the following paragraph and by applying the criteria to the individual case. The criteria shall be applied in the order enumerated herein. A subsequent criterion shall not be employed unless a previously enumerated criterion is inapplicable to the actual circumstances of the employee's employment.

In making designations of the "state of regular employment," the following criteria shall be applied:

1. Localized employment. The state in which the employee's employment is principally localized, or
2. Place of contract. The state in which the contract of hire was made; provided that the employment is not principally localized in any state, or
3. Not a party to compact. The party state in which the contract of hire was made; provided that the employment is principally localized in a jurisdiction not party to this compact and under whose workmen's compensation law the employee is not covered, or
4. Other. The party state in which a contract of hire was made, if none of the foregoing criteria apply.

For purposes of this compact and any provisions of law or administrative regulation or action affected thereby, the state in which an employment is localized, shall be determined in accordance with the criteria set forth in the following paragraph and by applying the criteria to the individual case. The criteria shall be applied in the order enumerated herein. A subsequent criterion shall not be employed unless a previously enumerated criterion is inapplicable to the actual circumstances of the employee's employment.

In making determinations of localization of employment, the following criteria shall be applied:

1. Place of business. The state in which the employer has a place of business at which the employee regularly works, or
2. Thirty consecutive days. The state in which the employee's entire work time for a period of at least 30 consecutive days is spent or intended to be spent, or

3. Sixty consecutive days and  $\frac{1}{2}$  employee's time spent. The state in which at least  $\frac{1}{2}$  of the employee's work time for a period of 60 consecutive days or longer is spent or intended to be spent, or

4. One-half employees time spent. If the employment is for less than 60 days, the state in which at least  $\frac{1}{2}$  of the employee's work time is spent or intended to be spent.

In the absence of conclusive evidence to the contrary it shall be presumed that an employee's time is intended to be spent at the place or places where work reports or other time records of the employer show the time has been spent, or in the absence of such records, at the place where the employer's records show the employee is principally assigned.

Whenever the location or circumstances of an employee's employment change to an extent that application of the criteria as provided in the 2 preceding paragraphs would make another state "the state of regular employment" the change shall be given effect. However, an employer shall not be deemed to have violated any requirement of this compact or of any law of the party states implementing or to the same effect as this compact because of failure to change his workmen's compensation coverage or self-insurer status as it applies to such employee until 90 days after the change in localization.

When the application of the 90-day period provided in the preceding paragraph results in an employer not being in violation of this compact, the rights of an employer, employee or insurer under any contract or policy of insurance or pursuant to a self-insurer status in force prior to the change in localization shall continue and shall not be adversely affected; provided that coverage under the policy, contract or self-insurer status would have continued in force except for the change in localization. The provisions of this paragraph are without prejudice to the adjustment of any premiums of other payments due on account of change in localization.

## ARTICLE VI — ADMINISTRATIVE AND JUDICIAL PROCESSES

### § 266. Administrative and judicial processes

The party states recognize that workmen's compensation systems are best operated by procedures that are primarily administrative in character. Such systems have been devised to avoid litigation as well as to establish rules of liability and entitlement to benefits other than those previously developed at common law. Accordingly, each of the party states declares its policy to maintain, or to establish and maintain, administrative procedures for the determination of claims, enforcement of rights to services, and all other aspects of administration of its workmen's compensation laws. The laws pursuant to which such procedures function shall provide for judicial review of final determinations of law by the agency administering the workmen's compensation system at the instance of an aggrieved party but shall not require any person to institute a proceeding in a court of general jurisdiction in order to obtain any benefit, service, restitution or other redress to which he may be entitled pursuant to the workmen's compensation laws.

In order to assist in the implementation of the medical and rehabilitation services provisions of this compact and of their workmen's compensation laws, each party state shall provide for the supervision of medical care and rehabilitation services by a unit within its workmen's compensation agency, or for the performance of this function by another appropriate state agency.

Any state which does not have a workmen's compensation law and administrative process for the operation and enforcement thereof which is consistent with the preceding paragraphs of this Article at the time when it enters into this compact undertakes, within 3 years from the effective date of this compact in that state, to enact such laws and take such other steps as may be necessary to make its laws and administrative processes consistent therewith.

Nothing in this Article shall be construed to prevent a party state from establishing or maintaining administrative tribunals or specialized courts for the administration and determination of workmen's compensation claims or for review of administrative actions.

## ARTICLE VII — THE COMMISSION

### § 267. Commission

The Interstate Workmen's Compensation Commission, hereinafter called "the commission," is hereby established. It shall be composed of one member from each party state. Such member shall be appointed by the Governor from among state officials having responsibilities with respect to workmen's compensation, and other persons who are substantially qualified by training or experience to deal with the field of workmen's compensation. State law also may provide for a fixed term or other limitation on the appointment and service of the member of the commission. A member of the commission may be represented by an alternate but only if there is on file with the commission in such manner as its bylaws may provide, written notification of the designation and identity of the alternate. The alternate shall not vote at any time when his principal is present.

Each party state shall provide by law for the selection of persons who are representative of labor, employers, the insurance industry and such other interests as the state law may provide and who shall constitute an advisory board to consult with the commission member from that state. In a party state where private insurance companies are by law excluded from the writing of policies or contracts of workmen's compensation insurance, the advisory board may, but need not, include representation of the private insurance industry.

Each member shall be entitled to one vote. The commission shall not act unless a majority of the members are present, and no action shall be binding unless approved by a majority of the total number of members.

The commission shall adopt an official seal to be used as it may provide.

The commission shall hold an annual meeting and such other regular and special meetings as its bylaws may provide. The commission bylaws shall specify the dates of the annual and any other regular meetings, and shall provide for the giving of notice of annual, regular and special meetings.

Notices of special meetings shall include the reasons therefor and an agenda of the items to be considered.

The commission shall elect annually, from among its members, a chairman, vice chairman and treasurer. The commission shall appoint an executive director who shall serve at its pleasure, and it shall fix his duties and compensation. The executive director shall be secretary of the commission. The commission shall make provision for the bonding of such of its officers and employees as it may deem appropriate.

Irrespective of the civil service, personnel or other merit system laws of any party state, the executive director shall appoint or discharge such personnel as may be necessary for the performance of the functions of the commission and shall fix their duties and compensation. The commission bylaws shall provide for its personnel policies and programs.

The commission may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental entity.

The commission may accept for any of its purposes and functions any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any governmental entity, or from any person, corporation or other entity and may utilize and dispose of the same.

The commission may make contracts with public and private agencies.

The commission may establish one or more offices for the transaction of its business.

The commission shall adopt bylaws for the conduct of its business. The commission shall publish its bylaws in convenient form, and shall file a copy of the bylaws and any amendments thereto with the appropriate agency or officer in each of the party states.

The commission annually shall make to the Governor and Legislature of each party state a report covering its activities for the preceding year and the status of workmen's compensation in each of the party states. Any donation or grant accepted by the commission, services borrowed, or contract made shall be reported in the annual report of the commission, and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed or contracts made and the identity of the donor, lender, or contractor. The commission may make additional reports as it may deem desirable.

## ARTICLE VIII — COMMITTEES

### § 268. Committees

To assist in the conduct of its business when the full commission is not meeting, the commission shall have an annually elected executive committee of not less than 5 nor more than 9 members of the commission, including the chairman, vice chairman and treasurer. Within these limitations, the bylaws shall fix the size of the executive committee and may provide other requirements or criteria for its composition. The executive committee, sub-

ject to the provisions of this compact, and consistent with the polices of the commission shall function as provided by the bylaws of the commission.

Except as restricted by the commission bylaws or provisions of this compact the executive committee may act for the commission; provided that it may not do any of the following:

1. Budget. Adopt a budget.
2. Appropriation. Determine the amounts of appropriation requests to be made of party states.
3. Annual report. Adopt the annual report required by Article VIII.
4. Regulations. Issue regulations under Article XI.

A vacancy on the executive committee shall not affect its ability to act. If a vacancy occurs more than 3 months in advance of the scheduled time of the next annual meeting of the commission, the executive committee may elect a member of the commission to fill the vacancy of the remainder of the unexpired term.

The commission may establish such additional committees of its members as it may deem appropriate.

The commission may establish advisory and technical committees membership on which may include private persons and public officials. Such committees may consider any matter of concern to the commission including problems of special interest to any one or more party states and problems dealing with:

1. Jurisdiction. Interjurisdictional aspects of workmen's compensation law and administration.
2. Services. Medical and rehabilitation services.
3. Particular injuries. Particular kinds of injuries.
4. Performance of systems. Performance of workmen's compensation systems.
5. Other matters. Any other matters within the purview of this compact.

#### ARTICLE IX — COMMISSION FUNCTIONS

##### § 269. Commission functions

1. Mandatory functions. The commission shall:
  - A. Collect, correlate and analyze data and information pertaining to workmen's compensation and related matters.
  - B. Promote and furnish guidance for the collection and dissemination of statistics, data, and information concerning workmen's compensation and related matters.
  - C. Study problems of partial disability and compensation therefor.

D. Study matters pertaining to coverage, benefits, administration and implementation of and relating to workmen's compensation with a view to improving their effectiveness.

E. Inquire, on a continuing basis, into means of improving the delivery of medical and rehabilitation services appropriate to ameliorate, and to the maximum extent possible to remove or overcome work connected disabilities and the economic, social and personal consequences thereof.

F. Provide technical assistance to the party states in matters relating to their workmen's compensation systems.

G. Facilitate the exchange and dissemination of information on workmen's compensation and matters bearing thereon.

H. Ascertain, on a continuing basis, the compliance of the party states with the provisions of this compact.

I. Cooperate with organizations of employers, organizations of employees, the insurance industry, governmental agencies and others having responsibilities for or interest in occupational injury, the causes and prevention thereof, and the treatment of its effects.

2. Permissive functions. The commission may :

A. Make recommendations to the party states and to others with respect to workmen's compensation and matters related thereto.

B. Prepare uniform definitions of terms pertaining to the coverage, administration, determination of benefits and liabilities in connection with injuries and compensation and services related thereto.

C. Draft and make available proposed legislation and administrative regulations dealing with workmen's compensation or matters having a bearing thereon.

D. Establish and maintain a system for the recording and availability of complete records of exposure to radiation or other substances having cumulative effects on health.

E. In cooperation with the party states, and with any other interested public or private agencies, consider the feasibility of developing and operating a job location and placement service specially geared to the needs of workers who are physically impaired or who are undergoing rehabilitation following injury, with special emphasis on facilitating the mobility of such individuals as an aid to the widening of their employment opportunities, and if found to be feasible, provide such a service.

F. Provide specialized personnel for use by states on a cooperative basis in connection with the administration of workmen's compensation systems or the development, administration and operation of medical or rehabilitation services.

G. Develop means of financing special services, either by the commission, on a shared cost basis with interested party states, or on a cooperative public-private basis.

H. Make charges for any services which it provides pursuant to paragraphs D, E and F of this section.

I. Provide such supplemental or additional services as the party states may authorize or request.

J. Hold public hearings on any and all matters relating to its areas of responsibility or interests.

K. Do all things necessary and incidental to the administration of its functions pursuant to this compact.

3. Additional functions. Functions authorized for performance by this Article shall be in addition to those entrusted to the commission by other provisions of this compact or otherwise pursuant to law. Nothing in this Article shall be construed to restrict or limit any power or responsibility otherwise conferred upon the commission.

## ARTICLE X — TRAINING PROGRAMS

### § 270. Training programs

The commission may establish and operate programs or cooperate with other suitable agencies such as the International Association of Industrial Accident Boards and Commissions, states, colleges and universities, industrial safety or insurance firms or associations, or the Federal Government, for the training of professional and technical personnel employed or to be employed in the administration of workmen's compensation systems, or in the provision of services related thereto.

The commission may enter into contracts or arrangements with states, the Federal Government or other organizations sponsoring students in training programs operated pursuant to this Article for the payment of tuition, fees or other costs on behalf of such students. The commission may fix and collect tuition, fees or other charges for courses or other services included in or related to such training programs.

## ARTICLE XI — UNIFORM REGULATIONS AND FORMS

### § 271. Uniform regulations and forms

The commission may develop uniform regulations for any phase of the administration of provisions of workmen's compensation law enacted or required for all party states by this compact and for the implementation of such other provisions of workmen's compensation law as may be uniform or similar in 2 or more party states.

Prior to the issuance of any regulation by the commission for adoption in accordance with the 3rd paragraph of this Article, the commission shall:

1. Hold public hearing. As provided in its bylaws, hold at least one public hearing on due notice which shall include but need not be limited to written notice to the party states and publication in at least one newspaper of general circulation in the state capital area of each party state.

2. Take testimony. Afford all party states and interested persons opportunity to offer testimony in writing, in person, or both in accordance with procedures set forth in the bylaws of the commission.

The commission shall submit any regulation issued by it to the appropriate officials of all party states to which they might apply. Each such state shall consider any such regulation for adoption in accordance with its own laws and procedures.

The commission shall encourage the development and use of standardized and uniform forms for the reporting of injuries, filing and processing of claims, and other aspects of the administration of workmen's compensation laws, including application for and the rendering of services related to the care, treatment or rehabilitation of persons who have sustained injuries. To this end, the commission may develop model forms.

The commission may include implementing forms in any regulation developed by it pursuant to this Article.

## ARTICLE XII — FINANCE

### § 272. Finance

The commission shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: One-tenth in equal shares, and  $9/10$  in the proportion that the number of gainfully employed persons in the party state, exclusive of employees of the United States, bears to the number of gainfully employed persons in all the party states, exclusive of employees of the United States. In determining such amounts, the commission shall employ such available public sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the sources used in obtaining information employed in applying the formula contained in this paragraph.

The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article VII, 9th paragraph, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article VII, 9th paragraph, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject

to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of audit shall be included in and become part of the annual report of the commission.

The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

Nothing contained in this Article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

### ARTICLE XIII — SUPPLEMENTARY AGREEMENTS

#### § 273. Supplementary agreements

Any 2 or more states party to this compact may undertake and administer joint or cooperative activities or obligations relating to workmen's compensation, including but not limited to incentive aspects of loss prevention, or other methods and programs for coping with adverse effects of losses or disabilities connected with or wholly or partially attributable to occupational injury by entering into agreements supplementary to this compact. Except as provided in this Article, any such supplementary agreement shall have the same status and effect as though incorporated as part of this compact.

Any 2 or more states which provide for the joint performance of the supervisory function relating to medical care and rehabilitation services required by Article VI, 2nd paragraph, of this compact pursuant to a supplementary agreement under this Article, or any party state which has arrangements with the commission established pursuant to Article VII of this compact for performance of the function by the commission shall be deemed to have complied with the requirements of Article VI, 2nd paragraph.

If the supplementary agreement is nonregulatory in character, and if its administration does not require the appropriation of specific or additional funds by the legislatures of the participating states, it may be entered into by action of the Governors of the participating states. Otherwise, a supplementary agreement shall be entered into by enactment thereof in the same manner as provided in Article XVI, for enactment of this compact. A supplementary agreement shall be subject to amendment, termination or withdrawal in accordance with its terms.

No supplementary agreement shall limit, impair or otherwise adversely affect any obligation assumed by or imposed upon a party state by or pursuant to this compact, nor shall it limit, impair or otherwise adversely affect the rights of any person under or pursuant to any provision of this compact.

If less than the total number of states party to this compact participate in a supplementary agreement, any costs or other burdens attributable thereto shall be the sole responsibility of the states participating in it. However, with the approval of the commission, the commission may administer the supplementary agreement on behalf of the states party thereto.

Representation and voting on any matters related to a supplementary agreement shall include only the representatives of those states party to it. Unless the supplementary agreement otherwise specifically provides, the members of the commission from the states party to it shall constitute a special panel of the commission for the purpose of conducting the business of the supplementary agreement. Any such panel may meet separately from the commission in order to transact business pursuant to the supplementary agreement.

#### ARTICLE XIV — ENFORCEMENT

##### § 274. Enforcement

Each party state undertakes to enact and from time to time to amend its laws as may be necessary to implement this compact and to comply with its provisions.

The commission in acting pursuant to Article IX, subsection 1, paragraph H, of this compact shall determine, whenever circumstances make appropriate or when requested by formal action of the Governor or legislature of a party state, whether a particular act or omission of any other party state constitutes a violation of this compact. If the commission determines that such a violation has occurred, it shall make specific recommendations for remedial action which will bring the violating state into compliance. Nothing in this paragraph shall be construed to prevent, impede or discourage the commission from making recommendations to party states under other provisions of this compact or pursuant to its general responsibilities for the improvement of workmen's compensation systems and related programs.

Any party state which alleges that another party state or states has violated or is violating this compact may enforce compliance by such state with the provisions thereof by invoking any and all appropriate judicial remedies, provided that the plaintiff state has first taken action pursuant to the 2nd paragraph of this Article and has afforded the commission a reasonable opportunity to obtain compliance.

The provisions of Articles IV and V of this compact, in addition to imposing obligations and conferring rights on party states, create rights in employers, employees, self-insurers, insurance companies, state insurance funds, and other persons entitled to coverage of or benefits from or on account of the workmen's compensation laws. Any affected employer, employee, association of employers, labor union, or any other affected person or entity may secure recognition and application of any of the aforementioned provisions of the compact by any appropriate administrative or judicial proceeding; provided that whenever in a proceeding brought to determine a claim under the workmen's compensation or occupational disease law of a party state or under this compact a question relating to that right was or reasonably could have been raised, such right shall be conclusively determined by that proceeding. The availability and scope of judicial review and the procedures applicable thereto shall be those of the jurisdiction in which the proceeding is brought or in which previous administrative or judicial determinations are being reviewed.

**ARTICLE XV — EFFECT ON OTHER LAWS****§ 275. Effect on other laws**

This compact is not intended to be a complete workmen's compensation law. It is intended that in most respects each party state shall continue to develop, enact, and implement its own workmen's compensation laws. The workmen's compensation and other laws of each party state are hereby supplemented and amended by the provisions of this compact. Any provision of the law of a party state which is in conflict with this compact is inoperative to the extent of such conflict. Each party state agrees to enact such laws and to take such further action as may be necessary to implement the provisions of this compact.

Nothing in this compact shall be construed to restrict any state in providing or requiring workmen's compensation or other benefits, services, or regulations which are not contrary to the provisions of this compact or which are in addition thereto.

**ARTICLE XVI — ENTRY INTO FORCE AND WITHDRAWAL****§ 276. Entry into force and withdrawal**

This compact shall enter into force when enacted into law by any 5 states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The commission shall arrange for notification of all party states whenever there is a new enactment of the compact.

Any party state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Any right of an employer, employee or other person to workmen's compensation coverage or with respect to a claim for workmen's compensation benefits that was made or could have been made prior to the time when a withdrawal from this compact becomes effective shall not be limited, impaired or abridged by the withdrawal but, subject to any applicable statute of limitations, may be asserted and enforced.

**ARTICLE XVII — CONSTRUCTION AND SEVERABILITY****§ 277. Construction and severability**

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

**SUBCHAPTER II**  
**PROVISIONS RELATING TO COMPACT**

§ 281. Name of compact

The Interstate Workmen's Compensation Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein, as follows:

§ 282. Industrial Accident Commission

The Industrial Accident Commission shall apply the provisions of the Interstate Workmen's Compensation Compact in processing and determining claims under the Workmen's Compensation Act, the Revised Statutes, Title 39. In judicial proceedings involving the construction of the compact or the implementation of rights and obligations thereunder, which proceedings are on claims for workmen's compensation benefits, Title 39, section 103, relating to review of workmen's compensation agency determinations shall govern. The Superior Court shall have jurisdiction to entertain all other proceedings invoking rights or obligations pursuant to the compact.

§ 283. Policy or contract

The Department of Business Regulation, in approving forms of policies or contracts of workmen's compensation insurance, shall consider their consistency with the provisions of Article V of the compact. Any policy or contract of workmen's compensation insurance written to cover employees regularly employed in this State, within the meaning of Article V of the compact, shall be deemed to cover such employees when in another state party to the compact, during any time when they are engaged in activities within the scope of their employment.

§ 284. Identity

If not identified elsewhere in the state law, use this section to establish or identify the state agency that will be responsible for the medical care supervisory functions required by Article VI.

§ 285. Alternate

Pursuant to Article VII of the compact, the member of the Interstate Workmen's Compensation Commission shall have an alternate. He shall be selected by the commission member and shall be a person who is either a state official or employee having responsibilities with respect to workmen's compensation or a person who is substantially qualified by training or experience to deal with the field of workmen's compensation. No alternate shall serve unless he has been approved as such by the Governor and Council.

§ 286. Advisory board

Pursuant to Article VII of the compact, there is hereby created the Workmen's Compensation Compact Advisory Board to consist of 5 members to be appointed by the Governor with the consent of the Council. One would be from the medical profession, one from the legal profession, one representing

employers from the general public, one representing employees from the general public and one representing the insurance industry and the Chairman of the Industrial Accident Commission to serve in an ex officio manner. The chairman of the board shall be chosen by the members thereof from among their number for a term of one year. No member of the board shall continue as such if he ceases to be representative of the group on account of whose interest or point of view he was chosen.

§ 287. Bylaws

Pursuant to Article VII of the compact, commission bylaws and any amendment thereto shall be filed with the Industrial Accident Commission.

§ 288. Notices of hearings

Any and all notices of hearings required by Article XI of the compact shall be given or sent to the Industrial Accident Commission. Any and all such notices shall also be furnished to the state paper, in which by state law notices of administrative hearings are required to be published, for publication therein.

#### STATEMENT OF FACT

The purpose of this compact is to enable states jointly to solve problems, such as those presented by coverage requirements, minimum benefit levels and extraterritorial protection. The compact also provides for joint research and technical help to assist the participating states in improving their laws and administrative procedures.