

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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## CHAPTER 52

### H.P. 369 - L.D. 472

#### An Act to Facilitate the Payment and Collection of Safety Education and Training Fund Assessments

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

**Sec. 1. 26 MRSA §61, sub-§2**, as amended by PL 1991, c. 885, Pt. E, §34 and affected by §47, is further amended to read:

**2. Source of funds.** The commissioner or the commissioner's designee shall annually assess a levy based on actual annual workers' compensation paid losses, excluding medical payments, paid in the previous most recent calendar year for which data is available by employers under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992. As soon as practicable after July 1st of each year, the commissioner or the commissioner's designee shall assess upon and collect from each insurance carrier licensed to do workers' compensation business in the State, and each group and individual self-insured employer authorized to make workers' compensation payments directly to their employees, a sum equal to that proportion of the current fiscal year's appropriation, exclusive of any federal funds, for the safety education and training division program that the total workers' compensation benefits, exclusive of medical payments, paid by each licensed carrier or each group or individual self-insured employer, bear to the total of the benefits paid by all licensed carriers, and group and individual self-insured employers; during the previous most recent calendar year for which data is available, except that the total amount levied annually may not exceed 1% of the total of the compensation benefits paid by all licensed carriers, and group and individual self-insured employers during the previous most recent calendar year for which data is available. A licensed carrier or group or individual self-insured must be assessed based on all benefits paid, exclusive of medical payments, during any year for which the carrier was licensed or the group or individual self-insured employer was authorized to make workers' compensation payments directly to their employers for any portion of the year. Assessments under this section must include sufficient funds to provide for training and information activities relating to pesticides as required by section 1720, subsection 5.

**Sec. 2. 26 MRSA §61, sub-§§3 and 4**, as amended by PL 1985, c. 372, Pt. A, §7, are amended to read:

**3. Notice of assessments.** The Commissioner of Labor or the commissioner's designee shall send notice of the assessments by certified mail to each licensed carrier and each group or individual self-insured employer. Payment of assessments must be received in the princi-

pal an office of the Department of Labor designated by the commissioner before a date specified in the notice, but not more than 90 days after the date of the mailing. The department may, through the rules governing this section, assess penalties for late payment. Such penalties may not exceed 6% per year.

**4. Assessments constitute element of loss.** The levy assessment ~~shall constitute~~ constitutes an element of loss for the purpose of establishing rates for workers' compensation insurance. Funds derived from this levy shall must be deposited in the safety fund and shall must be appropriated by the Legislature for the operation of this division program.

**Sec. 3. 26 MRSA §61, sub-§5** is enacted to read:

**5. Violations.** Any insurance company, group self-insured association or self-insured employer subject to this section that willfully fails to pay an assessment in accordance with this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged for each day payment is not made following the due date.

See title page for effective date.

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## CHAPTER 53

### H.P. 394 - L.D. 507

#### An Act Regarding the Selection of Arbitrators in Labor Disputes

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

**Sec. 1. 26 MRSA §931-A** is enacted to read:

**§931-A. Use of board member representing the public interests instead of full board**

The parties may agree to have any controversy that could be handled by the board under this subchapter directed to the board member selected to represent the public interests of the State or to one of the alternates from the same category. If the parties elect to use that board member, the parties must agree on the board member or alternate by name. A board member selected under this section may administer oaths and require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the matter before the board member and has the same power to act on any issue and in any manner as the full board has pursuant to this subchapter.

See title page for effective date.

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