

MAINE STATE LEGISLATURE

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(New Title)
New Draft of: H. P. 756, L. D. 938
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1604

H. P. 1379

House of Representatives, May 9, 1979

Reported by Mrs. Kany from the Committee on State Government. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide for Full-time Workers' Compensation Commissioners and to Organize the Administration of the Commission.

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

Sec. 1. 2 MRSA § 7, sub-§ 2, last 5 lines, as last repealed and replaced by PL 1979, c. 127, § 4, are repealed and the following enacted in their place:

Workers' Compensation Commission

Part-time chairman and members

Chairman.....22,995;
Members other than chairman with more than 4 years' experience21,420;
All other members.....18,900;

Full-time members appointed after January 1, 1980

Chairman..... same salary as Chief Judge of the District Court;
Members other than chairman same salary as a District Judge.

Sec. 2. 39 MRSA § 91, first sentence, as last amended by PL 1977, c. 709, § 2, is repealed and the following enacted in its place:

The Workers' Compensation Commission, as heretofore established, shall consist of not more than 7 members, not more than 5 of whom shall be persons learned in the law and members of good standing of the bar of this State.

Sec. 3. 39 MRSA § 91, 2nd paragraph, last 2 sentences, are amended to read:

In case of a vacancy occurring through death, resignation or removal, the Governor shall appoint, **consistent with section 91-A**, a successor for the whole term of the member whose place he takes, subject to removal. In case the office of chairman becomes vacant, the senior, **full-time appointed** commissioner shall act as chairman until the Governor makes an appointment to fill such vacancy; **unless there is no full-time appointed commissioner, in which case the senior, part-time commissioner shall act as chairman until the Governor names an appointment to fill such vacancy.**

Sec. 4. 39 MRSA § 91, 4th paragraph, is amended to read:

The ~~commission~~ **chairman** shall appoint a ~~clerk~~ **and, supervise and direct an executive secretary**, full-time or part-time reporters and such clerical assistance as may be necessary, subject to the Personnel Law. **The chairman shall be responsible for the efficient and effective management of the commission and its employees.**

Sec. 5. 39 MRSA § 91-A is enacted to read:

§ 91-A. Full-time commissioners

Except for ex officio members, each commissioner and chairman appointed after January 1, 1980, shall devote full time to the duties of his office and shall not hold any other public office or public employment. He shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law. As the regular terms of members serving on or before January 1, 1980, expire, the Governor shall appoint members, subject to review and confirmation as specified in section 91, to serve for the terms and under the conditions provided in section 91. Notwithstanding any other provision, the first person appointed subject to this provision shall be appointed chairman; subsequent appointments shall assure that the chairman is a full-time member.

Sec. 6. 39 MRSA § 92, first 2 sentences, are amended to read:

The ~~Except as provided in section 91, the~~ commission shall have general supervision over the administration of this Act, and shall ~~have powers to~~ make rules ~~and regulations~~ not inconsistent with this Act or other laws of the State for the purpose of carrying out the provisions hereof. ~~It may~~ **shall** prescribe forms and make suitable orders as to procedure ~~adapted~~ **adopted** to ~~secure~~ **assure** a speedy, efficient and inexpensive disposition of all proceedings.

Sec. 7. Effective date. This Act shall become effective on January 1, 1980, except section 2 of this Act shall take effect after any time when 5 appointed members of the commission are full-time commissioners appointed pursuant to the Revised Statutes, Title 39, section 91-A.

Sec. 8. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	1979-80	1980-81
WORKERS' COMPENSATION COMMISSION		
Personal Services	\$3,346	\$8,056

STATEMENT OF FACT

This new draft makes the following changes to the Workers' Compensation Commission.

1. All commissioners appointed after January 1, 1980 must work full time, and not practice law.
2. The number of appointed, as opposed to ex officio, commissioners will be reduced from 6 to not more than 5 whenever 5 commissioners are full time. This will permit full-time appointments of commissioners to be made in response to then existing workloads, and in view of the capability of full-time commissioners to carry heavier workloads than part-time commissioners.
3. The salaries of full-time commissioners are increased, to be identical to the salaries of the Chief Judge of the District Court, in the case of the chairman, and a judge of the district court, in the case of other commissioners. These salaries are \$30,000 and \$29,000, respectively. The salaries of part-time commissioners are not changed. An appropriation is included for the increase.
4. The chairman is made responsible for the efficient and effective management of the commission and its employees. The first full-time appointment is required to be the chairman; subsequent appointments will assure that the chairman is a full-time member.
5. The commission is required to adopt rules and to assure speedy and efficient disposition of matters before it.
6. The Act will take effect January 1, 1980.