

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1308

6
7 H.P. 1000

House of Representatives, March 24, 1983

8 On Motion of Representative Mitchell of Vassalboro referred to the Com-
9 mittee on Business Legislation. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Speaker Martin of Eagle Lake.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Authorize the Public Advocate
18 to Intervene in Workers' Compensation Rate
19 Filings.
20

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

23 Sec. 1. 35 MRSA §1-A, sub-§12, as enacted by PL
24 1981, c. 479, §2, is amended to read:

25 12. Restriction; repeal. The duties of the
26 Public Advocate are restricted to those relating to
27 matters within the jurisdiction of the Public Utili-
28 ties Commission and the Superintendent of Insurance,
29 as provided in Title 39, section 22. In the event
30 that the selection of the Public Utilities Commission
31 is required by law to be accomplished by any other
32 method than appointment by the Governor, with confir-
33 mation by the Legislature, the Public Advocate shall
34 be repealed, and the staff and any balance in the
35 budget shall be transferred to the Public Utilities

1 Commission for the remainder of the fiscal year,
2 effective on the date when a quorum of the Public
3 Utilities Commission selected by such other method is
4 qualified for office.

5 Sec. 2. 39 MRS.A §22, sub-§8 is enacted to read:

6 8. Public Advocate. The Public Advocate
7 appointed under Title 35, section 1-A, shall repre-
8 sent the public in any rate filing under this
9 section.

10 A. The Public Advocate shall have the same
11 duties and responsibilities in a rate filing
12 under this section as he has before the Public
13 Utilities Commission under Title 35, section 1-A,
14 including, but not limited to:

15 (1) Reviewing, investigating and making
16 appropriate recommendations to the Superin-
17 tendent of Insurance with respect to the
18 reasonableness of rates charged or proposed
19 to be charged for workers' compensation
20 insurance and, when deemed necessary by the
21 Public Advocate, intervening in related pro-
22 ceedings before the Superintendent of Insur-
23 ance;

24 (2) Petitioning the Superintendent of
25 Insurance to initiate proceedings to review,
26 investigate and take appropriate action with
27 respect to workers' compensation insurance
28 rates of any rating organization or insurer,
29 when deemed necessary by the Public Advo-
30 cate;

31 (3) When deemed necessary by the Public
32 Advocate, in the interest of the public, or
33 any particular group thereof, intervening
34 and appearing on their behalf in any pro-
35 ceedings before the Superintendent of Insur-
36 ance, appeals from orders of the superinten-
37 dent under this section or proceedings
38 before state or federal agencies and courts
39 in which the subject matter of the action
40 affects workers' compensation insurance
41 rates in this State, except that the Public

1 Advocate shall not intervene in any proceed-
2 ing in which the superintendent or his staff
3 is representing a position substantially
4 similar to that of the Public Advocate, as
5 determined by the Public Advocate; and

6 (4) Preparing and submitting an annual
7 report of the activities of the Public Advo-
8 cate under this section to the Governor and
9 to the joint standing committee of the
10 Legislature having jurisdiction over labor
11 by August 1st of each year, with copies
12 available to all legislators on request.

13 B. The Public Advocate shall have the same
14 rights under this section as an intervenor, and
15 may appeal from orders or decisions of the Super-
16 intendent of Insurance to which he has been a
17 party as other parties to a rate-filing proceed-
18 ing.

19 C. Rating organizations or insurers shall pro-
20 vide to the Public Advocate copies of all rate
21 filings, reports or other information required to
22 be filed under this section or which may be sub-
23 mitted to the Superintendent of Insurance, except
24 to the extent this requirement is waived, in
25 writing, by the Public Advocate. The Public
26 Advocate shall have the same right to request
27 data as an intervenor or party under this section
28 and, in addition, may petition the Superintendent
29 of Insurance, for good cause shown, to be allowed
30 such other information as may be necessary to
31 carry out the purposes of this subsection.

32 D. The Public Advocate shall have all the powers
33 and authority granted to him under Title 35,
34 section 1-A, in any proceeding under this subsec-
35 tion.

36 STATEMENT OF FACT

37 The purpose of this bill is to allow the Public
38 Advocate to participate in workers' compensation

1 insurance rate filings. The bill authorizes the
2 Public Advocate to use all his powers in a rate
3 filing and to investigate or initiate such cases. He
4 may intervene or appeal as an intervenor.

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