

MAINE STATE LEGISLATURE

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COMMITTEE AMENDMENT "A"
to L.D. 1322
(Filing No. H-211)**

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L.D. 1322

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(Filing No. H- 211)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1019,
L.D. 1322, Bill, "AN ACT to Reform the Workers' Com-
pensation System."

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Amend the Bill in section 8 in that part desig-
nated "§51-B." by striking out all of subsections 3,
6, 7 and 8 and inserting in their place the follow-
ing:

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'3. First payment due. The first payment of
compensation, other than compensation for impairment
under section 56 or 56-A, is due within 14 days after
the employer has notice or knowledge of the injury or
death. In cases where the employee did not lose time
from work within 5 scheduled work days following the
injury, compensation is due and payable within 14
days of the date the employee asserts to the employer
that that lost time is related to the injury or from
the date a request is made for medical expenses or
other benefits payable under the Act, whichever
occurs first. On or before the 14th day, all compen-
sation then due shall be paid. Subsequent incapacity
compensation benefit payments shall be made weekly
and in a timely fashion.

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6. Information. If the employer is making com-
pensation payments under this section, the employer
shall file with the commission a statement of the
employee's average weekly wage, as defined in section
2, within 30 days after the initial payment, together
with a wage statement or wage statements in the case
of multiple employment. A copy of this information
shall be mailed to the person receiving payments.

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7. Notice of controversy. If the employer,
prior to making payments under subsection 3, contro-
verts the claim to compensation, he shall file with

COMMITTEE AMENDMENT "A" to H.P. 1019, L.D. 1322

1 the commission, within 14 days after an event which
2 gives rise to an obligation to make payments under
3 subsection 3, a notice of controversy in a form pre-
4 scribed by the commission. The notice shall indicate
5 the name of the claimant, name of the employer, date
6 of the alleged injury or death and the grounds upon
7 which the claim to compensation is controverted. The
8 employer shall promptly furnish the employee with a
9 copy of the notice.

10 If, at the end of the 14-day period, the employer has
11 not filed the notice required by this subsection, he
12 shall begin payments as required under subsection 3.
13 He may cease payments and file with the commission a
14 notice of controversy, only as provided in this sub-
15 section, no later than 44 days after an event which
16 gives rise to an obligation to make payments under
17 subsection 3. Failure to file the required notice of
18 controversy prior to the expiration of the 44-day
19 period constitutes acceptance by the employer of the
20 compensability of the injury or death.

21 If, at the end of the 44-day period, the employer has
22 not filed a notice of controversy, or if pursuant to
23 a proceeding before the commission, the employer is
24 required to make payments, the payments may not be
25 decreased or suspended, except as provided in section
26 100.

27 8. Effect of payment. If, within the 44-day
28 period established in subsection 7 and after the pay-
29 ment of compensation without an award, the employer
30 elects to controvert the claim to compensation, the
31 payment of compensation shall not be considered to be
32 an acceptance of the claim or an admission of liabil-
33 ity. Notwithstanding the provisions of section 99-C,
34 the acceptance of compensation in any case, except by
35 decision or agreement, by the injured employee or his
36 dependents shall not be considered an admission by
37 the employee or his dependents as to the nature and
38 scope of the employer's liability or a waiver of the
39 right to question the amount of compensation or the

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1 duration of the same or the nature of the injury and
2 its consequences.'

3 Further amend the Bill in section 8 in that part
4 designated "§51-B." in subsection 10 in the first
5 paragraph by striking out all of the last underlined
6 sentence.

7 Further amend the Bill in section 8 in that part
8 designated "§51-B." in subsection 11 in the first,
9 2nd and last lines (page 8, lines 30, 31 and 34 in
10 L.D.) by striking out the underlined word "disabil-
11 ity" (3 times) and replacing it with the underlined
12 word 'incapacity' (3 times).

13 Further amend the Bill in section 15 in that part
14 designated "§91." in subsection 2 in the 6th line
15 (page 12, line 19 in L.D.) by inserting after the
16 underlined word "Governor" the following: 'only
17 with the review and concurrence of the joint standing
18 committee of the Legislature having jurisdiction over
19 judiciary upon hearing in executive session.'

20 Further amend the Bill in section 17 in that part
21 designated "§92." in subsection 1 in the 7th line
22 (page 13, line 31 in L.D.) by inserting after the
23 underlined figure and punctuation "375," the follow-
24 ing: 'after obtaining the advice of the commission-
25 ers.'

26 Further amend the Bill in section 17 in that part
27 designated "§92." in subsection 6 in the first para-
28 graph, next to the last line (page 15, line 10 in
29 L.D.) by inserting after the underlined words
30 "employees in" the underlined words 'preparing for
31 and assisting at'

32 Further amend the Bill in section 17 in that part
33 designated "§92." in subsection 6 by adding at the
34 end the following:

35 'The chairman shall appoint 6 employee assistants.'

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1 After January 1, 1984, the chairman may appoint up to
2 4 additional assistants if, in the chairman's judg-
3 ment, the additional assistants are necessary to
4 effectuate the purposes of this subsection.

5 Employee assistants shall be paid a salary equal to
6 that paid to state employees in professional and
7 technical range 21.'

8 Further amend the Bill in section 17 in that part
9 designated "§92." in subsection 7 in the last line
10 (page 15, line 23 in L.D.) by inserting after the
11 underlined word "affairs" the following: ' starting
12 with the fiscal year beginning July 1, 1985'

13 Further amend the Bill in section 20 in that part
14 designated "§94-A." in subsection 2 by striking out
15 all of paragraph A and inserting in its place the
16 following:

17 'A. Either payments are initiated or notice of
18 controversy is filed by the end of 14 days after
19 an event which gives rise to an obligation to
20 make payments under section 51-B, subsection 3;
21 and'

22 Further amend the Bill in section 20 in that part
23 designated "§94-A." in subsection 4 in the first line
24 (page 17, line 1 in L.D.) by striking out the under-
25 lined word "may" and inserting in its place the
26 underlined word 'shall'

27 Further amend the Bill in section 30 in that part
28 designated "§106-A." in the 9th line (page 21, line
29 40 in L.D.) by striking out the underlined words
30 "notice of the injury" and inserting in their place
31 the following: ' an event which gives rise to an
32 obligation to make payments under section 51-B, sub-
33 section 3'

34 Further amend the Bill by inserting at the end
35 before the emergency clause the following:

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1 'Sec. 34. Allocation. The following funds are
2 allocated from the Workers' Compensation Fund to
3 carry out the functions and activities of the Work-
4 ers' Compensation Commission provided under the
5 Revised Statutes, Title 39. If, in the judgment of
6 the chairman of the commission, 4 additional assis-
7 tants are not required, funds otherwise allocated in
8 this section for that purpose shall lapse proportion-
9 ately.

	<u>1983-84</u>	<u>1984-85</u>
11 <u>WORKERS' COMPENSATION COMMISSION</u>		
12 Personal Services	\$401,880	\$459,195
13 All Other	120,500	129,900
14 Capital Expenditures	<u>70,230</u>	<u>19,000</u>
15 Total	\$592,610	\$608,095

16 Sec. 35. Data system funds. Notwithstanding any
17 other provision of this Act, all moneys previously
18 appropriated to the Workers' Compensation Commission
19 for the study, acquisition and implementation of a
20 data system shall be retained for that use by the
21 commission. These funds shall not lapse to the Gen-
22 eral Fund.'

23 Further amend the Bill in the emergency clause in
24 the 3rd line (page 24, line 1 in L.D.) by striking
25 out the word and figure "and 33" and inserting in
26 their place the word and figure 'to 35'

27 STATEMENT OF FACT

28 This amendment does the following:

- 29 1. Amends Title 39, section 51-B, subsection 3
- 30 to deal with employees who do not lose time from work
- 31 within 5 scheduled work days following the injury. In

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1 these cases, the obligation to begin compensation
2 payments arises within 14 days of the date the
3 employee asserts to the employer that the lost time
4 is related to the injury or the date a request is
5 made for benefits, whichever occurs first, rather
6 than 14 days after the employer has notice or knowl-
7 edge of the injury or death, which remains the provi-
8 sion in other cases. This revision in the events that
9 start the running of time periods under the Act is
10 also reflected in amendments to Title 39, section
11 51-B, subsection 7 on filing a notice of controversy,
12 to Title 39, section 94-A, subsection 2 on the com-
13 mission's duty to monitor cases and to Title 39,
14 section 106-A on the commission's obligation to
15 notify employees of their rights. Title 39, section
16 51-B, subsection 6 is similarly amended to clarify
17 when an employer must file a wage statement.

18 2. Amends Title 39, section 51-B, subsection 8
19 to clarify that an employee's acceptance of compensa-
20 tion, except by decision or agreement, shall not be
21 considered an admission to or waiver of an employer's
22 liability, notwithstanding Title 39, section 99-C on
23 petitions for reopening;

24 3. Amends Title 39, section 51-B, subsection 10
25 by striking the last sentence since other penalty
26 provisions deal with this situation;

27 4. Changes the word "disability" to "incapacity"
28 in Title 39, section 51-B to be consistent with the
29 rest of Title 39;

30 5. Amends Title 39, section 91, subsection 2 to
31 provide that commissioners may be removed by the Gov-
32 ernor only with the review and concurrence of the
33 Joint Standing Committee on Judiciary upon hearing
34 and executive session;

35 6. Amends Title 39, section 92, subsection 1 to
36 provide that the chairman of the commission may make
37 rules and policies after obtaining the advice of the

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1 commissioners;

2 7. Clarifies the duties of employee assistants
3 in Title 39, section 92, subsection 6;

4 8. Amends Title 39, section 94-A, subsection 4
5 by changing "may" to "shall;"

6 9. Provides for the appointment of 6 employee
7 assistants by the chairman and for the possible addi-
8 tion of 4 more assistants after January 1, 1984, if
9 the chairman determines this to be necessary. If the
10 funds allocated for the 4 additional assistants are
11 not necessary in the judgment of the chairman, a pro-
12 portional amount attributable to each unfilled posi-
13 tion shall lapse to the General Fund;

14 10. Incorporates the allocation of funds from
15 the Workers' Compensation Fund for the next 2 fiscal
16 years. The responsibility for submitting an alloca-
17 tion bill is delayed to reflect this addition;

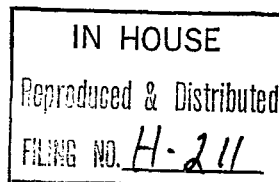
18 11. Clarifies that funds previously appropriated
19 for the development of a data system at the commis-
20 sion are still authorized for that use and shall not
21 lapse to the General Fund; and

22 12. Finally, the emergency clause is amended to
23 reflect the addition of the 2 new sections, which
24 will become effective upon approval.

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HOUSE OF REPRESENTATIVES
Reported by Rep. Majority
From Comm. on LABOR