

MAINE STATE LEGISLATURE

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(EMERGENCY)

(New Draft of H.P.1553, L.D.2032)
(New Title)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2106

H.P. 1601

House of Representatives, February 23, 1984

Reported by Representative Gwadosky from the Committee on State Government and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

**RESOLVE, to Authorize the Public Advocate
to Intervene in Workers' Compensation
Proceedings Before the Superintendent of
Insurance.**

Emergency preamble. Whereas, resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Superintendent of Insurance has received a rate case request with respect to workers' compensation; and

Whereas, the final determination of the Superintendent could have a substantial impact upon the state economy; and

1 Whereas, the resources of the business and labor
2 sectors of the State are very limited compared to the
3 resources of the national and international insurance
4 companies providing workers' compensation coverage;
5 and

6 Whereas, workers' compensation rate cases involve
7 very complicated and technical information which is
8 not readily available to the public; and

9 Whereas, it is vital for the Superintendent of
10 Insurance to be presented with more than one
11 perspective and as much information as possible dur-
12 ing those proceedings; and

13 Whereas, the Public Advocate is the most feasible
14 person to provide a different perspective and addi-
15 tional analytical information to the Superintendent
16 of Insurance to assist him in rendering a decision;
17 and

18 Whereas, in the judgment of the Legislature,
19 these facts create an emergency within the meaning of
20 the Constitution of Maine and require the following
21 legislation as immediately necessary for the preser-
22 vation of the public peace, health and safety; now,
23 therefore, be it

24 **Sec. 1. Workers' compensation rate interven-**
25 **tion. Resolved:** That the Office of the Public Adv-
26 cate, as established in the Revised Statutes, Title
27 35, section 1-A, is authorized and directed to inter-
28 vene as a party in all proceedings before the Super-
29 intendent of Insurance concerning the workers' com-
30 pensation rate filing submitted by the National Coun-
31 cil on Compensation Insurance on December 28, 1983.
32 The Public Advocate shall have the same rights as
33 other intervenors in all proceedings relating to that
34 rate filing, including rights of appeal from orders
35 or decisions of the Superintendent of Insurance. As
36 an intervenor, the Public Advocate shall represent
37 the interests of state employers and employees; and
38 be it further

39 **Sec. 2. Representation of the Office of the Pub-**
40 **lic Advocate in proceedings. Resolved:** That not-
41 withstanding the Revised Statutes, Title 5, section

1 191, the Attorney General shall not represent the
2 Public Advocate in the proceedings described in sec-
3 tion 1. The Public Advocate, a staff attorney desig-
4 nated by the Public Advocate, or private counsel em-
5 ployed by the Public Advocate, may represent the Of-
6 fice of the Public Advocate in these proceedings; and
7 be it further

8 **Sec. 3. Advisory committee. Resolved:** That
9 there is established a special advisory committee to
10 advise the Public Advocate in participating as an in-
11 tervenor in the rate filing. The duties of the ad-
12 visory committee include, but are not be limited to,
13 assisting the Public Advocate in the identification
14 of issues which should be examined in the filing and
15 in the gathering of information which is relevant to
16 those issues.

17 The advisory committee shall consist of 7 persons
18 and shall be appointed by the Governor by March 6,
19 1984. It shall be composed of 3 employer representa-
20 tives, 3 employee representatives and a chairman
21 representing the general public.

22 The advisory committee shall not be paid a per
23 diem compensation, but may be compensated for ex-
24 penses as provided for state employees not subject to
25 a bargaining agreement, as defined in the Revised
26 Statutes, Title 5, section 8.

27 Notwithstanding the provisions pertaining to the
28 appointment of the Advisory Committee, the Public Ad-
29 vocate may proceed as provided in this resolve upon
30 the effective date of this resolve; and be it further

31 **Sec. 4. Consultant services and expert wit-**
32 **nesses. Resolved:** That the Public Advocate may con-
33 tract with and retain the services of actuaries, pri-
34 vate legal counsel and other necessary experts to as-
35 sist in his preparation for and participating in all
36 proceedings relating to the rate filing; and be it
37 further

38 **Sec. 5. Appropriation. Resolved:** That the fol-
39 lowing funds are appropriated from the General Fund
40 to carry out the purposes of this resolve.

2 EXECUTIVE DEPARTMENT

3 Office of Public Advocate

4 All Other \$70,000

5 These funds shall be kept
6 in a separate account and
7 shall not lapse on June
8 30, 1984. These funds
9 shall carry forward until
10 all proceedings and ap-
11 peals arising from the
12 December 28, 1983, work-
13 ers' compensation insur-
14 ance rate filing have
15 been concluded.

16 **Emergency clause.** In view of the emergency
17 cited in the preamble, this resolve shall take effect
18 when approved.

19 STATEMENT OF FACT

20 The purpose of this resolve is to require the
21 Public Advocate to intervene in the workers' compen-
22 sation rate case pending before the Superintendent of
23 Insurance. It permits the Public Advocate to inter-
24 vene in that rate case, but does not require or au-
25 thorize intervention in future rate cases.

26 In recognition of the fact that the Public Advoca-
27 cate has not participated in insurance rate proceed-
28 ings in the past, the resolve establishes an Advisory
29 Committee to assist him in intervening in the rate
30 filing. This committee is to be composed of repre-
31 sentatives of employers and employees.

1 Finally, the resolve authorized the Public Advo-
2 cate to retain professional consultants and counsel
3 to assist in intervening in the case. Since inter-
4 vention is required for this one case only, it does
5 not provide for any additional staff.

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