

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1212

7
8 H.P. 811

House of Representatives, April 4, 1985

9 Reference to the Committee on State Government suggested and ordered
10 printed.

11 EDWIN H. PERT, Clerk

Presented by Representative Carter of Winslow.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT Regarding Workers' Compensation
19 Commission Staffing.
20

21 Emergency preamble. Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, the 90-day period may not terminate un-
25 til after the beginning of the next fiscal year; and

26 Whereas, the Workers' Compensation Commission
27 functions have changed greatly in the past 2 years;
28 and

29 Whereas, it is imperative that the commission's
30 staff positions are properly established, evaluated
31 and assigned a pay range in a manner consistent with
32 state personnel practices to assure proper recruit-
33 ment, retention and compensation; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 5 MRSA §953 is enacted to read:

10 §953. Workers' Compensation Commission

11 1. Major policy-influencing positions. The fol-
12 lowing positions are major policy-influencing posi-
13 tions within the Workers' Compensation Commission.
14 Notwithstanding any other law, these positions and
15 their successor positions shall be subject to this
16 chapter:

17 A. Assistant to the chairman.

18 Sec. 2. 39 MRSA §92, sub-§2, as enacted by PL
19 1983, c. 479, §16, is repealed and the following en-
20 acted in its place.

21 2. Employees. The chairman shall appoint an as-
22 stant to the chairman, who shall serve at his plea-
23 sure. Subject to the Personnel Law, the chairman
24 shall appoint a Director of Administrative Services,
25 full-time or part-time reporters and such legal, pro-
26 fessional and clerical assistants as may be neces-
27 sary.

28 Sec. 3. 39 MRSA §92, sub-§6, as enacted by PL
29 1983, c. 479, §16, is amended to read:

30 6. Office of Employee Assistants. The chairman
31 shall provide adequate funding for an Office of Em-
32 ployee Assistants and shall, subject to the Personnel
33 Law, appoint the assistants to staff the Augusta of-
34 fice and district offices. Assistants are not attor-
35 neys, but should demonstrate a level of expertise
36 roughly equivalent to that of insurance claims' ana-
37 lysts. The purpose of employee assistants is to pro-

1 vide advice and assistance to employees under this
2 Act, and particularly to assist employees in prepar-
3 ing for and assisting at informal conferences under
4 section 94-B.

5 No employee of the Office of Employee Assistants may
6 represent before the commission any insurer, self-
7 insurer, group self-insurer, adjusting company or
8 self-insurance company for a period of 2 years after
9 terminating employment with the office.

10 The chairman shall appoint 6 employee assistants. Af-
11 ter January 1, 1984, the chairman may appoint up to 4
12 additional assistants if, in the chairman's judgment,
13 the additional assistants are necessary to effectuate
14 the purposes of this subsection.

15 Employee assistants shall be paid a salary equal to
16 that paid to state employees in professional and
17 technical range 21.

18 Sec. 4. PL 1983, c. 824, Pt. Z is repealed.

19 Sec. 5. Implementation. The Department of Per-
20 sonnel is directed to carry out an evaluation of em-
21 ployee assistants, the assistant to the chairman and
22 the Director of Administrative Services under the
23 Workers' Compensation Commission as rapidly as possi-
24 ble to carry out the intent of this Act.

25 Emergency clause. In view of the emergency cited
26 in the preamble, this Act shall take effect when ap-
27 proved.

1

STATEMENT OF FACT

2 This bill provides that positions in the Workers'
3 Compensation Commission will be established, evalu-
4 ated and assigned a pay range in a manner consistent
5 with the management of other similar positions in
6 State Government. The bill provides for a prompt
7 evaluation of key positions in the Workers' Compensa-
8 tion Commission to assure that the positions are
9 properly assessed in regard to workers' compensation
10 system changes in the past 2 years.

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