

# MAINE STATE LEGISLATURE

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L.D. 1634

(Filing No. H-309 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "<sup>B</sup>" to H.P. 1127, L.D. 1634,  
Bill, "AN ACT to Improve the Workers' Compensation  
System and Reform the Rate-making Process."

Amend the bill in section 4 in the 4th line from  
the end (page 3, line 18 in L.D.) by striking out the  
following : "§88" and inserting in its place the fol-  
lowing: '§89'

Further amend the bill in section 6 in that part  
designated "§42-A." in subsection 5, in the 4th and  
5th lines (page 5, lines 9 and 10 in L.D.) by strik-  
ing out the following: "include," and inserting in  
its place the following: 'include'

Further amend the bill in section 7 in that part  
designated "§61." in subsection 1, in the 2nd line  
(page 5, line 22 in L.D.) by striking out the under-  
lined word "as"

Further amend the bill in section 7 in that part  
designated "§61." in subsection 3, in the 4th line  
(page 6, line 36 in L.D.) by striking out the under-  
lined word "shall" and inserting in its place the un-  
derlined word 'must'

Further amend the bill in section 7 in that part  
designated "§62." in subsection 2, in the first and  
2nd lines (page 7, lines 27 and 28 in L.D.) by strik-  
ing out the underlined words "is authorized to" and  
inserting in their place the underlined word 'may'

Further amend the bill in section 7 in that part  
designated "§62." in subsection 3, paragraph C, sub-  
paragraph (1) in the 2nd line (page 7, line 39 in  
L.D.) by striking out the underlined word "actual"  
and inserting in its place the underlined word

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1     'actual'

2             Further amend the bill in section 7 in that part  
3 designated "§63." in subsection 1, paragraph A, in  
4 the first line (page 8, line 34 in L.D.) by striking  
5 out the underlined word "shall" and inserting in its  
6 place the underlined word 'must'

7             Further amend the bill in section 7 in that part  
8 designated "§63." in subsection 1, paragraph D, in  
9 the 2nd line (page 9, line 5 in L.D.) by striking out  
10 the underlined words "shall be" and inserting in  
11 their place the underlined word 'is'

12            Further amend the bill in section 7 in that part  
13 designated "§63." in subsection 1, paragraph G, in  
14 the first line (page 9, line 24 in L.D.) by striking  
15 out the underlined word "shall" and inserting in its  
16 place the underlined word 'must'

17            Further amend the bill in section 7 in that part  
18 designated "§63." in subsection 1, paragraph H, in  
19 the first line (page 9, line 31 in L.D.) by striking  
20 out the underlined word "shall" and inserting in its  
21 place the underlined word 'may'

22            Further amend the bill in section 15 in that part  
23 designated "§53-A." in the last 2 lines (page 12,  
24 lines 22 and 23 in L.D.) by striking out the follow-  
25 ing: "Employment Security Commission" and inserting  
26 in its place the following: 'Maine Unemployment In-  
27 urance Commission'

28            Further amend the bill in section 17 in that part  
29 designated "§54-A." in the first paragraph in the 9th  
30 and 10 lines (page 12, lines 36 and 37 in L.D.) by  
31 striking out the the following: "Employment Security  
32 Commission" and inserting in its place the following:  
33 'Maine Unemployment Insurance Commission' and in the  
34 3rd line from the end (page 13, line 1 in L.D.) by  
35 striking out the underlined word "shall" and insert-  
36 ing in its place the underlined word 'may'

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1 Further amend the bill in section 17 in that part  
2 designated "§54-A." in the 2nd paragraph in the 9th  
3 and 10th lines from the end (page 13, lines 21 and 22  
4 in L.D.) by striking out the following: "Employment  
5 Security Commission" and inserting in its place the  
6 following: 'Maine Unemployment Insurance Commission'

7 Further amend the bill in section 17 in that part  
8 designated "§54-A." in the 2nd paragraph, in the 8th  
9 line from the end (page 13, line 23 in L.D.) by  
10 striking out the underlined word "shall" and insert-  
11 ing in its place the underlined word 'may'

12 Further amend the bill in section 19 in that part  
13 designated "§55-A." in the first paragraph in the 11th  
14 and 12th lines (page 14, lines 15 and 16 in L.D.) by  
15 striking out the following: "Employment Security  
16 Commission" and inserting in its place the following:  
17 'Maine Unemployment Insurance Commission' and in the  
18 13th line (page 14, line 17 in the L.D.) by striking  
19 out the underlined word "shall" and inserting in its  
20 place the underlined word 'may'

21 Further amend the bill in section 20 in that part  
22 designated "§56." in the first paragraph in the 5th  
23 line from the end (page 15, line 1 in L.D.) by strik-  
24 ing out the following: "Employment Security  
25 Commission" and inserting in its place the following:  
26 'Maine Unemployment Insurance Commission'

27 Further amend the bill in section 20 in that part  
28 designated "§56." in the last paragraph in the 4th  
29 and 5th lines (page 16, lines 34 and 35 in L.D.) by  
30 striking out the following: "Employment Security  
31 Commission" and inserting in its place the following:  
32 'Maine Unemployment Insurance Commission' and in the  
33 14th line (page 17, line 5 in L.D.) by striking out  
34 the underlined word "shall" and inserting in its  
35 place the underlined word 'may' and in the 7th and  
36 8th lines from the end (page 17, lines 7 and 8 in  
37 L.D.) by striking out the following: "Employment Se-

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1 curity Commission" and inserting in its place the  
2 following: 'Maine Unemployment Insurance Commission'

3 Further amend the bill in section 22 in subsection  
4 8, in the first and 2nd lines (page 18, lines  
5 16 and 17 in L.D.) by striking out the underlined  
6 words "is not applicable" and inserting in their  
7 place the underlined words 'does not apply'

8 Further amend the bill in section 23 in that part  
9 designated "§57-B." in subsection 1, paragraph E, in  
10 the first line (page 19, line 4 in L.D.) by striking  
11 out the underlined word "shall" and inserting in its  
12 place the underlined word 'must'

13 Further amend the bill in section 23 in that part  
14 designated "§57-B." in subsection 4, paragraph A, in  
15 the 3rd line (page 20, line 8 in L.D.) by striking  
16 out the underlined word "shall" and inserting in its  
17 place the underlined word 'must'

18 Further amend the bill in section 23 in that part  
19 designated "§57-B." in subsection 6, paragraph A, in  
20 the first line (page 20, line 28 in L.D.) by striking  
21 out the underlined word "shall" and inserting in its  
22 place the underlined word 'must' and in the 4th line  
23 from the end (page 20, line 38 in L.D.) by striking  
24 out the underlined word "shall" and inserting in its  
25 place the underlined word 'must'

26 Further amend the bill in section 23 in that part  
27 designated "§57-B." in subsection 6, paragraph B,  
28 subparagraph (2), in the 4th and 5th lines (page 21,  
29 lines 23 and 24 in L.D.) by striking out the under-  
30 lined word "preceding" and inserting in its place the  
31 underlined word 'before'

32 Further amend the bill in section 23 in that part  
33 designated "§57-B." in subsection 6, paragraph F, in  
34 the first line (page 22, line 12 in L.D.) by striking  
35 out the underlined words "shall not be" and inserting  
36 in their place the underlined words 'are not'

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1 Further amend the bill in section 23 in that part  
2 designated "§57-B" in subsection 7, paragraph A, in  
3 the first line (page 22, line 18 in L.D.) by striking  
4 out the underlined words "shall not be" and inserting  
5 in their place the underlined words 'is not'

6 Further amend the bill in section 23 in that part  
7 designated "§57-C." in subsection 2, in the 2nd line  
8 (page 24, line 11 in L.D.) by striking out the under-  
9 lined words "shall be" and inserting in their place  
10 the underlined word 'is'

11 Further amend the bill in section 25 in that part  
12 designated "§58-A." in the first paragraph, in the  
13 10th line (page 26, line 6 in L.D.) by striking out  
14 the underlined word "State" and inserting in its  
15 place the underlined word 'state' and in the 11th and  
16 12th lines (page 26, lines 7 and 8 in L.D.) by strik-  
17 ing out the following: "Employment Security  
18 Commission" and inserting in its place the following:  
19 'Maine Unemployment Insurance Commission' and in the  
20 15th line (page 26, line 11 in L.D.) by striking out  
21 the underlined word "State" and inserting in its  
22 place the underlined word 'state' and in the 4th line  
23 from the end (page 26, line 14 in L.D.) by striking  
24 out the following: "that," and inserting in its place  
25 the following: 'that'

26 Further amend the bill in section 25 in that part  
27 designated "§58-A." in subsection 2, in the 9th line  
28 (page 26, line 33 in L.D.) by striking out the fol-  
29 lowing: "step-children" and inserting in its place  
30 the following: 'stepchildren,'

31 Further amend the bill in section 28 in the first  
32 paragraph, in the first line (page 30, line 9 in  
33 L.D.) by striking out the underlined words "shall be"  
34 and inserting in their place the underlined word  
35 'are'

36 Further amend the bill in section 29 in that part

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1 designated "§82." in subsection 3, in the 3rd line  
2 (page 31, line 13 in L.D.) by striking out the under-  
3 lined words "shall have" and inserting in their place  
4 the underlined word 'has'

5 Further amend the bill in section 29 in that part  
6 designated "§82." in subsection 3, paragraph D, in  
7 the 2nd line (page 31, line 30 in L.D.) by striking  
8 out the underlined words "pursuant to" and inserting  
9 in their place the underlined word 'under'

10 Further amend the bill in section 29 in that part  
11 designated "§83." in subsection 4, paragraph B, in  
12 the first line (page 35, line 19 in L.D.) by striking  
13 out the underlined words "shall be" and inserting in  
14 their place the underlined word 'are'

15 Further amend the bill in section 29 in that part  
16 designated "§85." in subsection 3, paragraph B, in  
17 the 2nd line (page 37, line 39 in L.D.) by striking  
18 out the underlined word "level"

19 Further amend the bill in section 29 in that part  
20 designated "§87." in subsection 4, in the 4th line  
21 (page 40, line 29) by striking out the underlined  
22 words "pursuant thereto" and inserting in their place  
23 the underlined words 'under this chapter'

24 Further amend the bill in section 29 in that part  
25 designated "§88." in subsection 1, in the 9th line  
26 (page 41, line 37 in L.D.) by striking out the under-  
27 lined word "shall" and inserting in its place the un-  
28 derlined word 'does'

29 Further amend the bill in section 31, subsection  
30 8, in the 4th line (page 44, line 36 in L.D.) by  
31 striking out the underlined words "pursuant to" and  
32 inserting in their place the underlined word 'under'

33 Further amend the bill in section 39 in that part  
34 designated "§100-A." in subsection 1, paragraph A, in  
35 the first line (page 48, line 27 in L.D.) by insert-

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1 ing after the underlined word "of" the following:  
2 'employment during'

3 Further amend the bill in section 43 in that part  
4 designated "§110." in the 3rd paragraph, in the 5th  
5 line (page 51, line 8 in L.D.) by inserting after the  
6 underlined word "section" the following: '83, subsec-  
7 tion 7 and section'

8 Further amend the bill in section 51 in the first  
9 paragraph, in the 6th line (page 55, line 21 in L.D.)  
10 by inserting after the word "reduce" the word 'the'

11 Further amend the bill in section 51 in the 6th  
12 paragraph in the 6th line (page 55, line 41 in L.D.)  
13 by striking out the word "concerning" and inserting  
14 in its place the word "concerned"

15 Further amend the bill by inserting after section  
16 54 the following:

17 'Sec. 55. Allocation of the Employment Rehabili-  
18 tation Fund. Income to the Employment Rehabilitation  
19 Fund for the next 2 fiscal years, from July 1, 1985  
20 to June 30, 1986, and from July 1, 1986 to June 30,  
21 1987, shall be segregated, apportioned and disbursed  
22 as designated in the following schedule.

23 1985-86 1986-87

24 WORKERS' COMPENSATION  
25 COMMISSION

26 Employment Rehabilita-  
27 tion Program

28 All Other \$375,000 \$1,130,000

29 Provides funds for  
30 repayment to employ-  
31 ees for subsequent  
32 injuries to rehabili-  
33 tated workers, repay-  
34 ment to employers for



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1 expenses of unsuc-  
2 cessful rehabilita-  
3 tion and any legal  
4 fees incurred by the  
5 State under the Maine  
6 Revised Statutes, Ti-  
7 tle 39, section  
8 57-B.'

9 Further amend the bill in the emergency clause,  
10 in the 3rd line (page 59, line 34 in L.D.) by strik-  
11 ing out the figure "53" and inserting in its place  
12 the figure '54'

13 Further amend the bill in the fiscal note by add-  
14 ing at the end the following:

15 'The assessment on insurers for actual paid  
16 losses is expected to raise \$375,000 and \$1,130,000  
17 for the Employment Rehabilitation Program in fiscal  
18 years 1985-86 and 1986-87, respectively.'

19 STATEMENT OF FACT

20 This amendment is being presented on behalf of  
21 the Committee on Bills in Second Reading to correct  
22 technical errors. The amendment also adds an alloca-  
23 tion section left out of the new draft.

24 4088060385

Filed by Rep. Bost of Orono  
Reproduced and distributed under the direction of the  
Clerk of the House

6/4/85 (Filing No. H-309)