

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (After Deadline)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2309

8
9 H.P. 1636

House of Representatives, April 1, 1986

10 Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 27.

11 Referred to the Committee on Labor. Sent up for concurrence and
ordered printed.

12 EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT to Require the Workers' Compensation
20 Commission to Study the Causes of
21 Delay and its Effects on the
22 Participants in the Workers'
23 Compensation System.
24

25 **Emergency preamble.** Whereas, Acts of the Legis-
26 lature do not become effective until 90 days after
27 adjournment unless enacted as emergencies; and

28 Whereas, delays in the current workers' compensa-
29 tion system have led to charges that workers are suf-
30 fering severe financial and emotional harms due to
31 unjustified delays; and

32 Whereas, there is a need to examine the causes of
33 delay within the workers' compensation system, to
34 identify the effects that these delays have on the
35 workers involved in the system and to rectify any ad-
36 verse consequences due to these delays as soon as
37 possible; and

1 Whereas, it is desirable to provide the Workers'
2 Compensation Commission with sufficient time to con-
3 duct its study and report back to the 113th Legisla-
4 ture; and

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

11 Be it enacted by the People of the State of Maine as
12 follows:

13 Sec. 1. Workers' Compensation Commission to con-
14 duct study. The Workers' Compensation Commission
15 shall conduct a study regarding delays within the
16 workers' compensation system and consequential human
17 and financial harm suffered by injured workers and
18 their families caused by the delay in receiving work-
19 ers' compensation benefits.

20 A. The Workers' Compensation Commission shall
21 undertake the study on an appropriate sample or
22 samples of petitions for award in which:

23 (1) Claimants prevailed; and

24 (2) Claimants were disabled for 6 months or
25 more.

26 B. The purpose of the study is to accomplish the
27 following:

28 (1) Determine the percentage of all peti-
29 tions for award in which claimants pre-
30 vailed;

31 (2) Ascertain the degree of compliance by
32 employers and insurance carriers with provi-
33 sions of the Maine Revised Statutes, Title
34 39, section 111-A, regarding the provisional
35 payment of nonoccupational benefits;

36 (3) Ascertain and attempt to describe pat-
37 terns of abuse for nonpayment and percent-

1 ages for identified large carriers and large
2 self-insurers compared to the averages de-
3 tected in the survey;

4 (4) Consider other causes for delay in ad-
5 dition to intransigence of insurers, includ-
6 ing questions of apportionment, change of
7 insurance carriers, change to self-insurance
8 status and such other matters as may assist
9 the Legislature and the commission in under-
10 standing and correcting financial and emo-
11 tional suffering and hardship to injured
12 workers and their families caused by time
13 consumed in the workers' compensation adju-
14 dication process;

15 (5) Consider internal administrative
16 changes within the commission which may re-
17 duce back logs and delays; and

18 (6) Ascertain the severity and frequency of
19 financial and emotional losses caused to in-
20 jured workers and their families by delays
21 in regard to loss of housing, motor vehicles
22 or personal possessions and of family health
23 insurance.

24 **Sec. 2. Report to legislative committee.** The
25 chairman of the Workers' Compensation Commission
26 shall report to the joint standing committee of the
27 Legislature having jurisdiction over labor before
28 January 1, 1987. This report shall include:

29 A. A description of the results of the study,
30 including any relevant statistical data; and

31 B. Any suggested reforms or remedies which will
32 help eliminate or minimize delay within the sys-
33 tem and consequential human suffering.

34 **Emergency clause.** In view of the emergency cited
35 in the preamble, this Act shall take effect when ap-
36 proved.

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STATEMENT OF FACT

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This bill requires the Workers' Compensation Commission to study the causes of delay within the present workers' compensation system, to assess the harm caused to injured workers by these delays and to recommend measures to minimize delays within the system and consequential harms.

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