

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

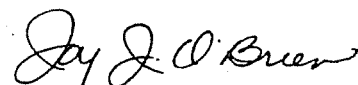
Legislative Document

No 94

S.P. 89

In Senate, February 7, 1989

Reference to the Committee on Banking and Insurance suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator THERIAULT of Aroostook.
Cosponsored by Representative RYDELL of Brunswick and Representative FARNUM of South Berwick.

STATE OF MAINE

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

Resolve, to Establish the Commission to Study a Workers' Compensation State Fund.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Commission established; purpose. Resolved:** That there is
5 established the Commission to Study a Workers' Compensation State
7 Fund. The purpose of the study is to determine the feasibility
9 of a fund under the jurisdiction of State Government which would
insure employers for their liability under the Workers'
Compensation Act; and be it further

11 **Study. Resolved:** That the study shall include, but not be
limited to, the following:

13 1. The different types of workers' compensation insurance
15 funds that have been developed in other states to insure
employers' liabilities under the workers' compensation acts in
those states;

17 2. The use and effectiveness of exclusive state funds and
19 competitive state funds in other states; and

21 3. The most appropriate means of insuring employers for
23 their liabilities under the Workers' Compensation Act; and be it
further

25 **Membership; officers; quorum. Resolved:** That the commission
shall consist of 14 members.

27 1. The commission shall consist of:

29 A. Three members appointed by the Governor;

31 B. Three members appointed by the President of the Senate,
33 one of whom shall be a member of the minority political
party;

35 C. Three members appointed by the Speaker of the House, one
37 of whom shall be a member of the minority political party;

39 D. Two members designated by the Maine Board of Directors
of the AFL-CIO;

41 E. One member designated by the Maine Board of Directors of
43 the Maine Chamber of Commerce and Industry;

45 F. One member designated by the Maine Board of Directors of
47 the National Federation of Independent Businessmen; and

49 G. One member appointed jointly by the Governor, the
President of the Senate and the Speaker of the House to
represent the insurance industry.

51 2. The commission shall elect a chair and a vice-chair from
53 among its membership.

55 3. Seven members present and voting shall constitute a

1 quorum necessary for purposes of making recommendations pursuant
2 to this resolve; and be it further

3

4 **Meetings. Resolved:** That the commission shall meet as often
5 as necessary to complete its tasks pursuant to this resolve. The
6 first meeting shall be called jointly by the Speaker of the House
7 and the President of the Senate to be held no later than 100 days
8 following adjournment of the First Regular Session of the 114th
9 Legislature; and be it further

11 **Compensation. Resolved:** That the legislative members of the
12 commission shall receive the legislative per diem, as defined in
13 the Maine Revised Statutes, Title 3, section 2, for days of
14 attendance at commission meetings. If the commission meets on a
15 day when the Legislature is in session, legislative members shall
16 receive only one legislative per diem on that day, but may be
17 reimbursed for all necessary expenses upon application to the
18 Executive Director of the Legislative Council; and be it further

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20 **Staff. Resolved:** That the commission may employ staff and
21 consultants as necessary and within its budget to accomplish the
22 purpose of this resolve; and be it further

23

24 **Report. Resolved:** That the commission shall present its
25 findings in a report in accordance with the Joint Rules, together
26 with any necessary implementing legislation, to the First Regular
27 Session of the 115th Legislature by December 1, 1990; and be it
28 further

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30 **Appropriation. Resolved:** That the following funds are
31 appropriated from the General Fund to carry out the purposes of
32 this resolve. The funds shall not lapse but shall be carried
33 forward.

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1989-90

1990-91

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LEGISLATURE

39

**Commission to Study a
Workers' Compensation
State Fund**

41

43

All Other

\$40,000

\$35,000

45

Provides funds for expenses
and per diem for Legislators
and funds for employing a
consultant and staff.

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STATEMENT OF FACT

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This resolve proposes a commission to study the feasibility
of a state fund for the workers' compensation system. The
commission is required to review the funding mechanisms of other

1 states with respect to the workers' compensation systems in those
2 states. In addition, the commission shall study states with an
3 exclusive state fund and those with a competitive state fund to
4 determine the effect of these funding mechanisms following their
5 adoption. The commission is directed to determine the most
6 appropriate means of financing the workers' compensation system
7 in Maine.

9 The intent of the resolve is to represent on the commission
10 all interests involved in workers' compensation in order to
11 address all the issues and hopefully to arrive at a consensus.

13 The commission will have funds to hire a consultant who is
14 knowledgeable in the field of workers' compensation. In
15 addition, the commission may employ additional staff necessary to
16 undertake this study.

17 The commission will report the results of its study to the
18 First Regular Session of the 115th Legislature by December 1,
19 1990.

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