

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2376

H.P. 1696

House of Representatives, February 20, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SIMONDS of Cape Elizabeth.

Cosponsored by Representative LORD of Waterboro, Representative PINEAU of Jay and  
Senator ESTY of Cumberland.

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STATE OF MAINE

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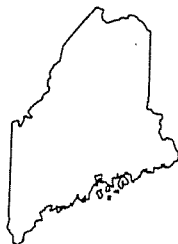
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

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**Resolve, to Establish a Blue Ribbon Commission to Examine  
Alternatives to the Workers' Compensation System and to Make  
Recommendations Concerning Replacement of the Present System.**

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(AFTER DEADLINE)



2           **Sec. 1. Commission created and charged. Resolved:** That the Blue  
3 Ribbon Commission to Examine Alternatives to the Workers'  
4 Compensation System, in this resolve called the "commission," is  
5 established to make recommendations concerning replacement of the  
6 Workers' Compensation Act.

7           **1. Goals of the system.** The commission shall consider  
8 alternatives to the Workers' Compensation Act. The commission  
9 shall consider whether any options studied meet the goals of this  
10 State for a system of compensation for injured workers, including  
11 but not limited to the following:

12           A. Timely provision of appropriate medical care for injured  
13 workers, utilizing efficient cost control and case  
14 management techniques;

15           B. Timely provision of a fair level of indemnity benefits  
16 for injured workers;

17           C. Emphasis on safe work sites, incentives for maintenance  
18 of safe work sites and disincentives for high workplace  
19 injury and illness rates;

20           D. Encouragement of early return to work for injured  
21 workers, with the same or a new employer, with minimal  
22 barriers to return to work and minimal stigma, with prompt  
23 and effective employment rehabilitation and retraining;

24           E. Minimized need for representation and, for the  
25 situations that require it, effective and cost-efficient  
26 representation of employees and employers; and

27           F. Cost-effective delivery of all components of the system,  
28 with predictable costs and benefits.

29           **2. Consideration of alternatives.** In examining  
30 alternatives to the Workers' Compensation Act, the commission  
31 shall consider, but is not limited to consideration of, the  
32 following:

33           A. The systems for the compensation of injured workers  
34 known to be operating successfully in the following  
35 jurisdictions:

36                   (1) Other states and the Canadian provinces;

37                   (2) Jurisdictions with workers' compensation  
38 institutes and entities that are state-chartered,  
39 nongovernmental, owned by employees and employers; and  
40

2 (3) Jurisdictions with mutual funds established to  
provide workers' compensation benefits;

4 B. The effect of significant changes in the present system,  
such as:

6 (1) Systems that provide for dispute resolution  
8 between employers and employees through arbitration;

10 (2) Coverage from a "cafeteria menu" of coverage  
12 negotiated between employer and employee;

14 (3) Provision of continued employment benefits,  
including insurance and pension benefits, for injured  
16 workers and their families;

18 (4) Twenty-four-hour medical coverage from medical  
insurance that provides benefits for employment-related  
20 injuries and illnesses and nonemployment-related  
injuries and illnesses;

22 (5) Temporary disability programs obtained through  
24 payroll taxes; and

26 (6) The effect on the injured worker and on the  
responsible employer of the "exclusive remedy" aspect  
28 of workers' compensation laws.

30 3. **Goals of the agency.** The commission shall consider what  
type of regulatory or administrative agency is required to  
32 regulate or administer a system for the compensation of injured  
workers. The commission shall consider whether the agency meets  
34 the goals of this State for a system for the compensation of  
injured workers, including, but not limited to, the following:

36 A. Prompt and accurate handling of undisputed claims for  
compensation;

38 B. Encouragement of prompt agreements among injured workers  
40 and employers and minimization of the disputing and  
litigating of claims for compensation;

42 C. Provision of information required by employees and  
44 employers in a timely, helpful and skillful manner;

46 D. Case management, prompt and accurate disposition of  
disputed claims and a mechanism for appeal;

48 E. Coordination with the Occupational Safety and Health  
50 Administration and the Department of Labor in the prevention

2 of work-related injuries and provision of incentives for  
workplace safety and disincentives for high workplace injury  
and illness rates; and

4  
6 F. Cost-effective and accountable administration, including  
annual reports to the Legislature each January 1st on the  
costs and administration of the system for the compensation  
8 of injured workers.

10 4. **Pilot project.** The commission shall investigate the  
desirability and feasibility of the State becoming a site for a  
12 pilot workers' compensation reform program sponsored by the  
National Conference of State Legislatures and the Robert Wood  
14 Johnson Foundation.

16 The commission may proceed with its work through full committee  
meetings and through the use of subcommittees and may hire  
18 consultants to perform necessary work for the commission; and be  
it further

20  
22 **Sec. 2. Appointment and convening of the commission. Resolved:**  
That the commission shall consist of 18 members and 4  
24 alternates. Alternates may participate in all commission  
activities but may not vote in commission decisions unless  
appointed to voting status because of the absence of a member.  
26 Members and alternates must be appointed in the following manner.

28 The Governor shall appoint 8 members, one of whom may be a  
Legislator and 2 alternates. The President of the Senate shall  
30 appoint 4 members, one of whom may be a member of the Senate and  
one alternate. The Speaker of the House of Representatives shall  
32 appoint 4 members, one of whom may be a member of the House of  
Representatives and one alternate. The Governor, the President  
34 of the Senate and the Speaker of the House of Representatives  
shall together choose 2 additional members to serve as co-chairs  
36 of the commission. Members must be appointed within 48 hours of  
the effective date of this Act. The first meeting of the  
38 commission must be called by the co-chairs within 16 days after  
the effective date of this Act; and be it further

40  
42 **Sec. 3. Report. Resolved:** That the commission shall present  
its findings, together with any recommended legislation and a  
44 timetable for implementation to the Second Regular Session of the  
116th Legislature by January 1, 1994; and be it further

46 **Sec. 4. Assistance. Resolved:** That, if staff assistance is  
desired, assistance must be requested from the Legislative  
48 Council; and be it further

