

# MAINE STATE LEGISLATURE

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L.D. 2457

(Filing No. S-757 )

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to HOUSE AMENDMENT "A" to H.P. 1775,  
L.D. 2457, Bill, "An Act to Delay the Workers' Compensation Rate  
Increase"

Amend the amendment by inserting before section 1 the  
following:

Sec. 1. 39 MRSA §99-D is enacted to read:

§99-D. Automatic petition for provisional order

Upon the petition of either party, the commissioner shall  
issue a provisional order clarifying that any structure of  
benefits, rights, compensation payment scheme, award or decree  
issued under this Act is subject to the procedural and  
substantive law of this Act in existence as of December 31, 1992,  
as if that procedural and substantive law were in effect on May  
1, 1992. A final order may not be issued in contravention of  
this section.

1. Application to actions. The provisions of this section  
apply only to actions in which a final order has not been issued  
by the commission on or after May 1, 1992.

2. Benefits. Nothing in this section may be interpreted to  
require the repayment or surrender of benefits actually paid to  
or received by an employee between May 1, 1992 and December 31,  
1992.

3. Repeal. This section is repealed on January 1, 1993.

Sec. 2. Resolve 1991, c. 59, §6-A is enacted to read:

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SENATE AMENDMENT "B" to HOUSE AMENDMENT "A" to H.P. 1775, L.D. 2457

2 Sec. 6-A. Consideration of increase. Resolved: That the  
3 commission shall consider the implications of any impending or  
4 potential workers' compensation rate increase as of the effective  
5 date of this section and shall make recommendations designed to  
6 mitigate any increase retrospective to May 1, 1992; and be it  
7 further

8 **Sec. 3. Provisional orders.** Nothing in this Act may be  
9 interpreted to prohibit the issuance of a provisional order in  
10 any proceeding before the Superintendent of Insurance on the  
11 effective date of this Act.'

12 Further amend the amendment by renumbering the sections to  
13 read consecutively.

14 Further amend the amendment by inserting before the  
15 statement of fact the following:

16 'Further amend the bill by inserting before the statement of  
17 fact the following:

22 **FISCAL NOTE**

23 It can not be determined at this time if the changes  
24 proposed to the workers' compensation system and benefits will  
25 result in any savings or costs.'

28 **STATEMENT OF FACT**

29 This amendment adds provisions to the underlying amendment  
30 to require the Workers' Compensation Commission to issue  
31 provisional orders at the request of any party in an active case  
32 before the commission between May 1, 1992 and December 31, 1992.  
33 The intent of this requirement is to ensure that any changes in  
34 the workers' compensation laws adopted pursuant to the Blue  
35 Ribbon Commission to Examine Alternatives to the Workers'  
36 Compensation System be implemented retrospectively to May 1, 1992  
37 so that Maine businesses do not have to suffer the consequences  
38 of failing to reduce workers' compensation costs now.

39 This amendment also requires the Blue Ribbon Commission to  
40 Examine Alternatives to the Workers' Compensation System to  
41 consider and recommend actions necessary to mitigate any  
42 potential rate increase retrospective to May 1, 1992.

43 (Senator COLLINS)

44 SPONSORED BY:



45 COUNTY: Aroostook

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