

MAINE STATE LEGISLATURE

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L.D. 2464

(Filing No. S- 793)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
THIRD SPECIAL SESSION

SENATE AMENDMENT " A " to H.P. 1783, L.D. 2464, Bill, "An Act to Reform the Workers' Compensation Act and Workers' Compensation Insurance Laws"

Amend the bill in Part A by striking out all of section 2.

Further amend the bill in Part A in section 8 in that part designated "§152." in subsection 5 in the first line (page 20, line 30 in L.D.) by striking out the following: "hearing officers and"

Further amend the bill in Part A in section 8 in that part designated "§152." in subsection 5 in the 3rd and 4th lines (page 20, lines 32 and 33 in L.D.) by striking out the following: "hearing officers" and inserting in its place the following: 'mediators'

Further amend the bill in Part A in section 8 in that part designated "§152." in subsection 5 in the 6th and 7th lines (page 20, lines 35 and 36 in L.D.) by striking out the following: "board and mediators. In the exercise of its discretion, the board may obtain the services of hearing officers and" and inserting in its place the following: 'board. The board may obtain the services of'

Further amend the bill in Part A in section 8 in that part designated "§152." in subsection 5 in paragraph A in the first and 2nd lines (page 20, lines 39 and 40 in L.D.) by striking out the following: "hearing officers and"

Further amend the bill in Part A in section 8 in that part designated "§152." in subsection 5 in paragraph B in the first line (page 20, line 46 in L.D.) by striking out the following: "hearing officers and"

SENATE AMENDMENT

SENATE AMENDMENT " A" to H.P. 1783, L.D. 2464

2 Further amend the bill in Part A in section 8 in that part
designated "§152." by inserting after subsection 5 the following:

4 '6. Employment of hearing officers. The board shall employ
6 12 hearing officers, subject to the following terms and
8 conditions.

10 A. Hearing officers must be learned in the law and members
12 of good standing of the bar of this State. Hearing officers
14 must be appointed by the Governor within 60 days after a
16 vacancy occurs or a new hearing officer is authorized,
subject to review by the joint standing committee of the
Legislature having jurisdiction over judiciary matters and
to confirmation by the Legislature. Hearing officers serve
terms of 6 years from the date of their appointment.

18 B. Hearing officers must be sworn and hold office for the
20 terms provided in paragraph A, unless removed, and until
22 their successors are appointed and qualified. They may be
24 removed by the Governor only with the review and concurrence
26 of the joint standing committee of the Legislature having
jurisdiction over judiciary matters upon hearing in
executive session or by impeachment, for inefficiency,
willful neglect of duty or for malfeasance in office.
Before removing a hearing officer, the Governor shall notify
the President of the Senate and the Speaker of the House of
Representatives of the removal and the reasons for the
removal.

30 C. Salaries of hearing officers are as provided in Title 2,
32 section 7, subsection 2. Hearing officers are entitled to
34 receive their actual, necessary, cash expenses while away
from their offices on official business of the board.

36 D. Each hearing officer shall devote full time to the
38 duties of office and may not hold any other public office or
40 public employment. A hearing officer may not practice law
during the officer's term of office and may not be the
partner or associate of any person in the practice of law.

42 E. Any hearing officer or former commissioner having
44 retired from the employ of the board or of the former
46 Workers' Compensation Commission is eligible for appointment
48 as an active retired hearing officer. Subject to review by
the joint standing committee of the Legislature having
jurisdiction over judiciary matters and to confirmation by
the Legislature, the Governor may, upon being notified of
the retirement of a hearing officer, appoint that hearing
officer to be an active retired hearing officer for a term
of 4 years, unless sooner removed and subject to
52 reappointment. An active retired hearing officer has the

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same powers as before retirement, except that the hearing officer may act only in those cases and at times and places as directed by the board.

An active retired hearing officer who performs the services of a hearing officer at the direction and assignment of the board is entitled to compensation at a rate established by the board, provided that the total per diem compensation and retirement pension received by an active retired hearing officer may not exceed the annual salary of a regular hearing officer. In addition, the active retired hearing officer is entitled to reimbursement for the expenses actually and reasonably incurred in the performance of the officer's duties.'

Further amend the bill in Part A in section 8 in that part designated "~~\$152.~~" by renumbering the subsections to read consecutively.

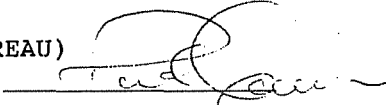
Further amend the bill in Part A in section 9 in subsection 5 in the 5th line (page 132, line 34 in L.D.) by striking out the following: "temporary"

Further amend the bill in Part A in section 9 in subsection 5 in the 6th and 7th lines (page 132, lines 35 and 36 in L.D.) by striking out the following: "for the purpose of resolving claims assigned to that commissioner prior to January 1, 1993 and"

Further amend the bill in Part A in section 9 in subsection 5 by striking out all of paragraphs A to E.

STATEMENT OF FACT

This amendment converts persons now serving as Workers' Compensation Commissioners under the Maine Revised Statutes, Title 39 to hearing officers to be employed by the Workers' Compensation Board under Title 39-A. These persons would retain the current quasi-judicial functions, but would be relieved of their administrative responsibility for the functioning of the workers' compensation system.

(Senator GAUVREAU)
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