

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 292, L.D. 379, Bill, "An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism"

Amend the amendment in section one in paragraph G by striking the first paragraph (page 2, lines 6 to 14 in amendment) and inserting in its place the following:

'G. Beginning July 1, 1993, the plan must provide for a board of governors, which shall control the affairs and business of the residual market mechanism. The board of governors must be composed of 9 members, 5 of whom represent the business community of the State and 4 of whom represent insurers that are members of the residual market mechanism. The superintendent shall adopt rules to carry out the purposes of this paragraph.'

Further amend the amendment in section 2 by striking out all of subsection 5-A and inserting in its place the following:

'5-A. Immunity. A member of the board of governors of the workers' compensation residual market pool created by Maine Insurance Rule Chapter 440 is immune from liability except for willful misconduct by the board member in the performance of the duties of a board member.'

STATEMENT OF FACT

This amendment deletes reference to "individuals" as board members of the workers' compensation residual market mechanism board of governors. It deletes immunity under the Maine Tort

**SENATE AMENDMENT**

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L.D. 379

2 Claims Act and substitutes immunity from liability except for  
willful misconduct by the board member in the performance of the  
duties of a board member.

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(Senator McCORMICK)  
SPONSORED BY: Dale McCormick

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COUNTY: Kennebec

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