

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 472

H.P. 369

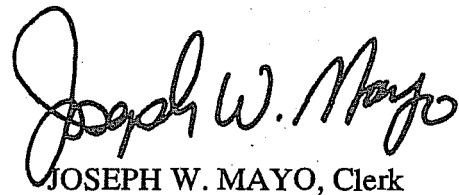
House of Representatives, February 11, 1993

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**An Act to Facilitate the Payment and Collection of Safety Education and Training Fund Assessments.**

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Submitted by the Department of Labor pursuant to Joint Rule 24.  
Reference to the Committee on Labor suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative PINEAU of Jay.  
Cosponsored by Representatives: AIKMAN of Poland, CARLETON of Wells, Senator:  
KIEFFER of Aroostook.

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

2  
4       **Sec. 1. 26 MRSA §61, sub-§2**, as amended by PL 1991, c. 885,  
Pt. E, §34 and affected by §47, is further amended to read:

6       **2. Source of funds.** The commissioner or the commissioner's  
7       designee shall annually assess a levy based on actual annual  
8       workers' compensation paid losses, excluding medical payments,  
9       paid in the previous most recent calendar year for which data is  
10       available by employers under former Title 39, the Workers'  
11       Compensation Act or Title 39-A, Part 1, the Maine Workers'  
12       Compensation Act of 1992. As soon as practicable after July 1st  
13       of each year, the commissioner or the commissioner's designee  
14       shall assess upon and collect from each insurance carrier  
15       licensed to do workers' compensation business in the State, and  
16       each group and individual self-insured employer authorized to  
17       make workers' compensation payments directly to their employees,  
18       a sum equal to that proportion of the current fiscal year's  
19       appropriation, exclusive of any federal funds, for the safety  
20       education and training division program that the total workers'  
21       compensation benefits, exclusive of medical payments, paid by  
22       each licensed carrier or each group or individual self-insured  
23       employer, bear to the total of the benefits paid by all licensed  
24       carriers, and group and individual self-insured employers, during  
25       the previous most recent calendar year for which data is  
26       available, except that the total amount levied annually may not  
27       exceed 1% of the total of the compensation benefits paid by all  
28       licensed carriers, and group and individual self-insured  
29       employers during the previous most recent calendar year for which  
30       data is available. A licensed carrier or group or individual  
31       self-insured must be assessed based on all benefits paid,  
32       exclusive of medical payments, during any year for which the  
33       carrier was licensed or the group or individual self-insured  
34       employer was authorized to make workers' compensation payments  
35       directly to their employers for any portion of the year.  
36       Assessments under this section must include sufficient funds to  
37       provide for training and information activities relating to  
38       pesticides as required by section 1720, subsection 5.

40       **Sec. 2. 26 MRSA §61, sub-§§3 and 4**, as enacted by PL 1985, c.  
41       372, Pt. A, §7, are amended to read:

42       **3. Notice of assessments.** The Commissioner of Labor or the  
43       commissioner's designee shall send notice of the assessments by  
44       certified mail to each licensed carrier and each group or  
45       individual self-insured employer. Payment of assessments must be  
46       received in the principal an office of the Department of Labor  
47       designated by the commissioner before a date specified in the  
48       notice, but not more than 90 days after the date of the mailing.

2 The department may, through the rules governing this section,  
3 assess penalties for late payment. Such penalties may not exceed  
4 6% per year.

6 **4. Assessments constitute element of loss.** The levy  
7 assessment ~~shall constitute~~ constitutes an element of loss for  
8 the purpose of establishing rates for workers' compensation  
9 insurance. Funds derived from this levy shall must be deposited  
10 in the safety fund and shall must be appropriated by the  
11 Legislature for the operation of this ~~division~~ program.

12 **Sec. 3. 26 MRSA §61, sub-§5 is enacted to read:**

14 **5. Violations.** Any insurance company, group self-insured  
15 association or self-insured employer subject to this section that  
16 willfully fails to pay an assessment in accordance with this  
17 section commits a civil violation for which a forfeiture of not  
18 more than \$500 may be adjudged for each day payment is not made  
19 following the due date.

22 **STATEMENT OF FACT**

24 This bill clarifies the assessment process for the Safety  
25 Education and Training Fund, created in 1985, and provides a  
26 penalty provision for nonpayment similar to one used in  
27 legislation recently creating the Blue Ribbon Commission to  
28 Examine Alternatives to the Workers' Compensation System.  
29  
30