

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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Legislative Document

No. 1386

H.P. 1034

House of Representatives, April 30, 1993

**An Act to Clarify the Financial Authority of the Workers' Compensation Board.**

(EMERGENCY)

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Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative AIKMAN of Poland. (GOVERNOR'S BILL)  
Cosponsored by Representatives: CARLETON of Wells, RUHLIN of Brewer, Senators:  
DUTREMBLE of York, KIEFFER of Aroostook.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the need for reform of the state workers' compensation system is widely recognized; and

Whereas, the new Workers' Compensation Board has been appointed and is implementing the Maine Workers' Compensation Act of 1992, effective on January 1, 1993; and

Whereas, the board is proposing certain technical and administrative changes to the Act that are necessary to effectively implement the intent of the new laws; and

Whereas, immediate implementation of workers' compensation reform legislation is necessary to protect the interests of injured workers, businesses and insurers; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 2 MRSA §6-E is enacted to read:

**§6-E. Salaries of certain employees of the Workers' Compensation Board**

Notwithstanding any other provision of law, the salaries of the executive director, general counsel, assistants to the general counsel, including deputy general counsels, directors, deputy directors, hearing officers and mediators of the Workers' Compensation Board are established by the Workers' Compensation Board and may not exceed the maximum rate of salary that may be received by state employees.

Sec. 2. 5 MRSA §958 is enacted to read:

**§958. Workers' Compensation Board**

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Workers' Compensation Board. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

A. Executive director;

2           B. General counsel;

4           C. Directors; and

6           D. Deputy directors.

8           **Sec. 3. 39-A MRSA §152, sub-§14** is enacted to read:

10           14. Reimbursement. The board shall impose reasonable  
12           charges for reimbursement for the provision of services,  
14           facilities and materials, including, but not limited to,  
          reproduction and distribution of forms, reports and publications,  
          photocopying and the use of facilities.

16           **Sec. 4. 39-A MRSA §154, first ¶,** as enacted by PL 1991, c. 885,  
          Pt. A, §8 and affected by §§9 to 11, is amended to read:

18           The Workers' Compensation Board Administrative Fund is  
20           established to accomplish the purposes of this Act. All income  
22           generated pursuant to this section, and penalties collected under  
24           section 359, subsection 2, and sections 360 and 361, must be  
          recorded on the books of the State in a separate account and  
          deposited with the Treasurer of State and be credited to the  
          Workers' Compensation Board Administrative Fund.

26           **Sec. 5. 39-A MRSA §154, sub-§5 and 6,** as enacted by PL 1991, c.  
28           885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

30           **5. Amounts of premiums and losses.** The Bureau of Insurance  
32           shall provide to the board the amounts of gross direct workers'  
34           compensation premiums written by each insurance carrier and the  
          amounts of aggregate benefits paid by each self-insurer and group  
          self-insurer on or before August-1st April 1st of each year.

36           **6. Assessment levied.** The assessments levied under this  
38           section may not produce more than \$6,000,000 in revenues annually  
40           beginning in the 1993-94 fiscal year. The board shall determine  
42           the assessments prior to March-1st May 1st and shall assess each  
          insurance company or association and self-insured employer its  
          pro rata share for expenditures during the fiscal year beginning  
          July 1st. Each insurance company or association and self-insured  
          employer shall pay the assessment on or before June 1st.

44           **Sec. 6. 39-A MRSA §154, sub-§§10 and 11** are enacted to read:

46           10. Deposit of funds in Workers' Compensation Board  
48           Administrative Fund. The Treasurer of State shall deposit in the  
          Workers' Compensation Board Administrative Fund funds collected  
          pursuant to section 152, subsection 14.

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