

MAINE STATE LEGISLATURE

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L.D. 419

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DATE: June 8, 1995 (Filing No. S- 233)

BANKING AND INSURANCE

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 157, L.D. 419, "Resolve, to Direct the Bureau of Insurance to Review the Uniform Classification System Used in Workers' Compensation Insurance"

Amend the resolve by striking out the title and substituting the following:

'An Act to Expedite the Hearing Process Relating to the Uniform Classification System Used in Workers' Compensation Insurance'

Further amend the resolve by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Sec. 1. 24-A MRSA §2320, sub-§3 is enacted to read:

3. Upon a request by a person aggrieved by the application of the rating system or an insurer, or either of their authorized representatives, the person aggrieved has the right to a hearing held by the superintendent without the matter first being heard by the rating organization or insurer pursuant to subsection 2. Such hearing must be held within 60 days following receipt by the superintendent of a written request for a hearing. At least 30 days' written notice of the date, time and place of the hearing, together with a reasonably accurate description of the subject matter of the hearing, must be provided by the superintendent to the person aggrieved, the insurer and the rating organization. Upon request by any party, the hearing may be continued to allow a reasonable period for conducting investigation of the matter, discovery and preparation of factual and legal materials for the

COMMITTEE AMENDMENT

2 hearing. Each party to a hearing is entitled to only one
3 continuance. Prior to continuation of a hearing, the
4 superintendent shall, upon not less than 5 days' notice to all
5 parties, conduct an informal prehearing conference at which the
6 parties shall identify the issues to be addressed at the hearing,
7 establish a schedule for all investigation, discovery and hearing
8 preparation reasonably necessary based upon the nature and scope
9 of the hearing and establish a date certain for the hearing.'

10 Further amend the resolve by inserting at the end before the
11 statement of fact the following:

12 **FISCAL NOTE**

13 The Bureau of Insurance within the Department of
14 Professional and Financial Regulation will incur some minor
15 additional costs to administer an expedited hearing process
16 pertaining to the uniform classification system used in workers'
17 compensation insurance. These costs can be absorbed within the
18 bureau's existing budgeted resources.
19

22 **STATEMENT OF FACT**

23 This amendment replaces the original bill and changes the
24 bill from a resolve to an act. The amendment provides
25 individuals the right to a hearing when aggrieved by the
26 application of the workers' compensation insurance rating
27 system. Upon written request, the appeal may be made directly to
28 the Superintendent of Insurance and a hearing must be held within
29 60 days of the request. The amendment also adds a fiscal note.
30