

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1430

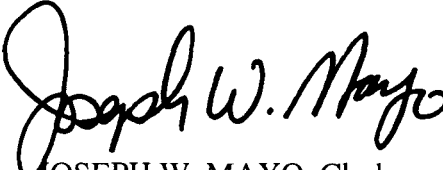
H.P. 1015

House of Representatives, April 27, 1995

**An Act to Create a New Deductible for Workers' Compensation and to Clarify Reporting Requirements.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative WINN of Glenburn.  
Cosponsored by Representative: GWADOSKY of Fairfield.

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

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**Sec. 1. 24-A MRSA §2382-D, sub-§2**, as enacted by PL 1991, c. 885, Pt. B, §12 and affected by §13, is amended to read:

**2. Experience rating.** The uniform experience rating plan must be the exclusive means for providing premium adjustments based on the past claim experience of an insured employer. The experience rating plan must provide that the claims experience for the 3 most recent years for which data is available be considered on the following bases.

- A. The claims and exposure for the most recent year for which data is available must be given 40% weight.
- B. The claims and exposure for the 2nd most recent year for which data is available must be given 35% weight.
- C. The claims and exposure for the 3rd most recent year for which data is available must be given 25% weight.

If data is available for only 2 years of experience, the weighting must be 60% for the most recent year and 40% for the 2nd most recent year.

Claims paid by the insured within the amount of the policy deductible must be excluded from experience rating under this subsection.

**Sec. 2. 24-A MRSA §2385, sub-§2-A** is enacted to read:

**2-A. Indemnity and medical.** Deductibles must be available for combined indemnity and medical benefits in amounts of \$1,000, \$3,000 and \$6,000 per claim and in other reasonable amounts as may be approved by the superintendent.

**Sec. 3. 39-A MRSA §303-A** is enacted to read:

**§303-A. Reports of claims within amount of policy deductible**

When an employee has reported to an employer under this Act an injury arising out of and in the course of the employee's employment that has resulted in claims paid by the insured within the amount of the policy deductible, or when the employer has knowledge of any such claims, the employer shall report the injury to the board within 7 days after the employer receives notice or has knowledge of the claims. The employer shall also report the average weekly wages or earnings of the employee, together with any other information required by the board. The employer shall report the date on which the injured employee resumes employment and the amount of the employee's wages or

2 earnings at that time. The employer shall provide a copy of the  
3 notice filed with the board to the injured employee and retain a  
4 copy for the employer's records.

6 **STATEMENT OF FACT**

8 This bill creates optional workers' compensation deductibles  
9 for combined indemnity and medical benefits in amounts of \$1,000,  
10 \$3,000 and \$6,000 per claim. The bill also specifies that any  
11 claims paid by the insured within the amount of the deductible  
12 must be reported to the Workers' Compensation Board. Claims  
13 within the amount of the deductible paid by the insured must be  
14 excluded from experience rating.