

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1351

H.P. 953

House of Representatives, February 18, 1999

**An Act to Require that Members of the Workers' Compensation Board
be Subject to Review by the Joint Standing Committee on Labor.**

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, FRECHETTE of
Biddeford, GOODWIN of Pembroke, MATTHEWS of Winslow, SAMSON of Jay, TRACY
of Rome.

2 **Preamble.** The Constitution of Maine, Article V, Part First,
3 Section 8 provides that certain statutes enacted relating to
4 confirmation procedures for gubernatorial nominees require a 2/3
5 vote of the members of each House present and voting.

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

8 **Sec. 1. 39-A MRSA §151, sub-§1,** as enacted by PL 1991, c. 885,
9 Pt. A, §8 and affected by §§9 to 11, is amended to read:

10 **1. Board established.** Pursuant to Title 5, section 12004-G,
11 subsection 35, the Workers' Compensation Board is established as
12 an independent board composed of 8 members. The members of the
13 board must be appointed by the Governor within 30 days after a
14 new board member is authorized or a vacancy occurs, subject to
15 review by the joint standing committee of the Legislature having
16 jurisdiction over ~~state and local government~~ labor matters and
17 confirmation by the Legislature. Notwithstanding the provisions
18 of Title 3, section 151, the designated committee shall complete
19 its review of the appointments of the Governor within 15 days of
20 the Governor's written notice of appointment and the vote of the
21 Legislature must be taken no later than 7 days after the vote of
22 the designated committee.

23
24 Four members of the board must be representatives of management
25 and 4 members must be representatives of labor. All management
26 representatives must be appointed from a list provided by the
27 Maine Chamber of Commerce and Industry or other bona fide
28 organization or association of employers. All labor
29 representatives must be from a list provided by the Executive
30 Board of the Maine AFL-CIO or other bona fide labor organization
31 or association of employees representing at least 10% of the
32 Maine work force. Any list submitted to the Governor must have
33 at least 4 times the number of names as there are vacancies for
34 the group represented by the vacancies.

35
36 A member of the board is not liable in a civil action for any act
37 performed in good faith in the execution of duties as a board
38 member.

39
40 A member of the board may not be a lobbyist required to be
41 registered with the Secretary of State, a service provider to the
42 workers' compensation system or a representative of a service
43 provider to the workers' compensation system.

44
45 Members of the board hold office for staggered terms of 4 years,
46 except for the initial members of the board. The terms of one
47 member representing management and one member representing labor
48 expire February 1st of each year. A member may not serve for
49 more than 2 full terms.
50

2 The Governor shall initially designate one member representing
management and one member representing labor for terms expiring
4 February 1, 1994; one member representing management and one
member representing labor for terms expiring February 1, 1995;
6 one member representing management and one member representing
labor for terms expiring February 1, 1996; and one member
8 representing management and one member representing labor for
terms expiring February 1, 1997.

10

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SUMMARY

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16 Current law provides that an appointment to the Workers'
Compensation Board is subject to review by the joint standing
committee of the Legislature having jurisdiction over state and
18 local government matters. This bill amends the law to provide
that an appointment to the Workers' Compensation Board be subject
20 to review by the joint standing committee of the Legislature
having jurisdiction over labor matters.

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