

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1357

H.P. 959

House of Representatives, February 18, 1999

**Resolve, to Create a Commission to Study the Hearing Process of the
Workers' Compensation Board.**

(EMERGENCY)

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

4 **Whereas,** there are concerns about the time frames
6 established in current law for the hearing procedures of the
Workers' Compensation Board; and

8 **Whereas,** these time-frame concerns raise questions about
10 fairness to the parties addressing a workers' compensation claim;
and

12 **Whereas,** these questions must be examined as soon as
14 possible to remedy any current unfairness in the timing of the
workers' compensation hearing process; and

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

22 **Sec. 1. Commission established. Resolved:** That the Commission
24 to Study the Hearing Process of the Workers' Compensation Board,
referred to in this resolve as the "commission," is established;
26 and be it further

28 **Sec. 2. Membership. Resolved:** That the commission consists
of 6 members appointed as follows:

30 1. One representative of the Department of Labor appointed
32 jointly by the President of the Senate and the Speaker of the
House, who shall consider recommendations from the Commissioner
34 of Labor in making the appointment;

36 2. One member of the Joint Standing Committee on Banking
and Insurance appointed jointly by the President of the Senate
38 and the Speaker of the House;

40 3. Three members of the Joint Standing Committee on Labor,
with one Senator appointed by the President of the Senate and 2
42 Representatives appointed by the Speaker of the House; and

44 4. One representative of an insurance company appointed
jointly by the President of the Senate and the Speaker of the
46 House; and be it further

48 **Sec. 3. Appointments; convening; chair. Resolved:** That all
appointments must be made no later than 10 days following the
50 effective date of this resolve. The appointing authorities shall

2 notify the Executive Director of the Legislative Council upon
3 making their appointments. When the appointment of all members
4 is complete, the Executive Director of the Legislative Council
5 shall call and convene the first meeting of the commission. The
6 commission shall select a chair from among its members at the
7 first meeting; and be it further

8 **Sec. 4. Duties. Resolved:** That the commission shall study the
9 time frames in current law and practice of the Workers'
10 Compensation Board hearing process and related procedures; and be
11 it further

12 **Sec. 5. Recommendations. Resolved:** That the commission shall
13 submit a report of its findings and recommendations with
14 accompanying legislation, if any, to the First Regular Session of
15 the 119th Legislature and to the Joint Standing Committee on
16 Labor by April 30, 1999; and be it further

17 **Sec. 6. Staff assistance. Resolved:** That the commission shall
18 request staffing and clerical assistance from the Legislative
19 Council; and be it further

20 **Sec. 7. Compensation. Resolved:** That the members of the
21 commission who are Legislators are entitled to receive the
22 legislative per diem for each day's attendance at meetings of the
23 commission. The Executive Director of the Legislative Council
24 shall administer compensation requests.

25 **Emergency clause.** In view of the emergency cited in the
26 preamble, this resolve takes effect when approved.

27
28
29
30
31
32
33
34

SUMMARY

35 This resolve creates the Commission to Study the Hearing
36 Process of the Workers' Compensation Board. The commission is to
37 report, with any accompanying legislation, to the Legislature and
38 the Joint Standing Committee on Labor by April 30, 1999.