

# 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)

DATE: May 12, 1999

(Filing No. S- 268 )

**LABOR**

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 741, L.D. 2100, Bill, "An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases"

Amend the bill in section 1 in subsection 6 in paragraph A in the last line (page 1, line 10 in L.D.) by striking out the following: "resolution; and" and inserting in its place the following: 'resolution;'

Further amend the bill in section 1 in subsection 6 in paragraph B in the first line (page 1, line 12 in L.D.) by striking out the following: "Decline" and inserting in its place the following: 'With the written approval of the staff attorney, decline'

Further amend the bill in section 1 in subsection 6 in paragraph B in subparagraph (6) in the last line (page 1, line 39 in L.D.) by striking out the following: "board." and inserting in its place the following: 'board; and'

Further amend the bill in section 1 in subsection 6 by inserting after paragraph B the following:

'C. With the written approval of the staff attorney, present lump-sum settlements on cases pursuant to section 352.'

Further amend the bill by inserting after section 1 the following:

**COMMITTEE AMENDMENT**

R 48.

COMMITTEE AMENDMENT "A " to S.P. 741, L.D. 2100

'Sec. 2. 39-A MRSA §318, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by enacting a new 2nd paragraph to read:

The hearing officer, upon motion by the petitioning party, may include a finding in the decree that the employer's refusal to pay the benefits at issue was not based on any rational grounds developed between the claim and formal hearing. Upon such a finding, the employer shall pay interest to the employee under section 205, subsection 6 at a rate of 25% per annum from the date each payment was due, instead of 10% per annum.'

Further amend the bill by inserting at the end before the summary the following:

**'FISCAL NOTE**

The Workers' Compensation Board will realize some administrative savings by providing advocates, with the approval of a staff attorney, the authority to prioritize their caseloads and to decline cases or cease assistance to employees in certain situations. The additional costs associated with adopting rules to define additional reasons for declining or ceasing assistance can be absorbed by the board utilizing existing budgeted resources.

Allowing hearing officers to impose a higher rate of interest payable by employers in certain situations is not expected to have any appreciable effect on the State's workers' compensation program.'

**SUMMARY**

This amendment clarifies that written staff attorney approval is required for advocates to decline or present lump-sum settlements on cases. The amendment also allows hearing officers to find that an employer's refusal to pay benefits was not based on any rational grounds and provides for a 25% rate of interest in those cases from the date each payment was due, as determined by the hearing officer.

This amendment also adds a fiscal note to the bill.