

# 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. 2100

S.P. 741

In Senate, March 30, 1999

**An Act to Allow Workers' Compensation Board Advocates to Prioritize  
and Decline Cases.**

---

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin. (GOVERNOR'S BILL).  
Cosponsored by Representative MacDOUGALL of North Berwick and  
Senators: GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KILKELLY of Lincoln,  
NUTTING of Androscoggin, Representatives: MAYO of Bath, RICHARDSON of Brunswick.

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

2                   Sec. 1. 39-A MRSA §153-A, sub-§§6 and 7 are enacted to read:

4                   6. Case management authority of advocates. An advocate has  
6 the authority to:

8                   A. Manage and prioritize the advocate's caseload to  
10 efficiently move cases through the board mediation and  
hearing process and to achieve resolution; and

12                   B. Decline cases or cease assistance to an employee when  
14 the advocate after investigation finds:

16                   (1) Timely notice of the injury was not given by the  
employee to the employer, pursuant to this Act;

18                   (2) The statute of limitations has expired;

20                   (3) The employee's case is based on an argument or  
22 issue adversely determined by the Supreme Judicial  
Court;

24                   (4) The employee's case is based on a claim of  
26 discrimination governed by section 353;

28                   (5) There is no record of medical assessment stating  
30 that the employee's injury was either caused by,  
32 aggravated by or precipitated by the employee's work  
or, when the issue is aggravation, there is no record  
of medical assessment stating that the employee's work  
aggravated a preexisting condition in a significant  
manner; or

34                   (6) The employee has admitted to a fraudulent act, has  
36 been convicted of a fraudulent act by a court of  
38 competent jurisdiction or has been found to have  
committed a fraudulent act by the abuse investigation  
unit of the board.

40                   A qualified employee whose case is declined or whose advocate  
42 assistance ceases pursuant to this subsection may appeal the  
44 action to the executive director of the board, within 30 days of  
46 the action. The executive director's ruling on the appeal is  
final and is not subject to judicial review. If the executive  
director finds assistance by an advocate should resume, the  
48 employee must be assigned to an advocate other than the advocate  
who declined the case or ceased assistance.

