# MAINE STATE LEGISLATURE

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## 120th MAINE LEGISLATURE

### FIRST REGULAR SESSION-2001

Legislative Document

No. 670

S.P. 198

In Senate, February 13, 2001

An Act to Strengthen Maine's Worker Advocate Program.

Reference to the Committee on Labor suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.
Cosponsored by Representative BERRY of Livermore and
Senators: EDMONDS of Cumberland, ROTUNDO of Androscoggin, Representatives:
BRYANT of Dixfield, BUNKER of Kossuth Township, GAGNE of Buckfield, JACOBS of
Turner, PATRICK of Rumford, PINEAU of Jay.

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

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Sec. 1. 39-A MRSA  $\S153$ , sub- $\S2$ , as enacted by PL 1991, c. 885, Pt. A,  $\S8$  and affected by  $\S\S9$  to 11, is amended to read:

- Troubleshooter program. The board shall establish a troubleshooter program to previde-information-and-assistance-te participants -- in -- the -- workers' -- compensation -- system informally resolve disputes over work injuries. A troubleshooter shall conduct a factual investigation of disputed work injuries, gather medical records relating to the claimed injury and make a thorough attempt to resolve the dispute. The troubleshooter may otherwise communicate with employees, employers, insurance carriers and health care providers in order to prevent or informally resolve disputes. The troubleshooter shall provide information and assistance to participants in the workers' compensation system.
- Sec. 2. 39-A MRSA §154, sub-§6, as amended by PL 1999, c. 359, §1, is further amended to read:
- Assessment levied. 22 The assessments levied under this section may not be designed to produce more than \$6,000,000 in 24 revenues annually beginning in the 1995-96 fiscal year, more than \$6,600,000 annually beginning in the 1997-98 fiscal year or, more than \$6,735,000 beginning in the 1999-00 fiscal year or more than 26 \$7,035,000 beginning in fiscal year 2001-02. collected that exceed \$6,000,000 beginning in the 1995-96 fiscal 28 \$6,600,000 beginning in the 1997-98 fiscal year or 30 \$6,735,000 beginning in the 1999-00 fiscal year or \$7,035,000 beginning in fiscal year 2001-02 by a margin of more than 10% 32 must be refunded to those who paid the assessment. Any amount collected above the board's allocated budget and within the 10% 34 margin must be used to create a reserve of up to 1/4 of the board's annual budget. Any collected amounts or savings above the allowed reserve must be used to reduce the assessment for the 36 following fiscal year. The board shall determine the assessments prior to May 1st and shall assess each insurance company or 38 association and self-insured employer its pro rata share for 40 expenditures during the fiscal year beginning July 1st. self-insured employer shall pay the assessment on or before June 42 Each insurance company or association shall pay the assessment in accordance with subsection 3.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue Funds to carry out the purposes of this Act.

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#### WORKERS' COMPENSATION BOARD

#### 2 Administration - Workers' **Compensation Board** Л

	Person Services	\$180,083	\$255,748
6	All Other	70,000	40,000
8	Allocates funds for 2		
	Paralegal positions, one		
10	Worker Advocate position, 2		
	Legal Secretary positions and		
12	2 Clerk II positions for the		
	board's regional offices.		
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### **WORKERS' COMPENSATION BOARD** TOTAL

\$250,083

\$295,748

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#### **SUMMARY**

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This bill allocates funds for an additional 7 positions to the Workers' Compensation Board to provide more resources for the worker advocate program. It also increases the cap on the annual assessment for the Workers' Compensation Board Administrative Fund and allocates the amounts needed to fund the 7 additional positions. The bill also specifies that troubleshooters within workers' compensation system must conduct a factual investigation and gather medical records as part of their required attempts to resolve disputes over worker injuries.