

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1257

H.P. 943

House of Representatives, February 28, 2001

An Act to Change the Membership of the Workers' Compensation Board.

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MacDOUGALL of North Berwick. (By Request)

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

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

§151. Workers' Compensation Board

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

One member of the board must be a representative of management and one member must be a representative of labor. The Governor may consider, but is not required to accept, the suggestions of any group or organization with regard to the appointees. The 2 appointed representatives shall, by agreement, select the chair of the board. If the 2 appointed representatives can not agree on the selection of the chair within 60 days of their appointment to the board by the Governor, the Governor shall appoint the chair.

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

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

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

2 Members of the board hold office for ~~staggered terms~~ a term of 4
4 years, ~~except for the initial members of the board, the terms of~~
6 ~~one member representing management and one member representing~~
~~labor expire February 1st of each year.~~ A member may not serve
for more than 2 full terms.

8 ~~The Governor shall initially designate one member representing~~
10 ~~management and one member representing labor for terms expiring~~
12 ~~February 1, 1994; one member representing management and one~~
14 ~~member representing labor for terms expiring February 1, 1995;~~
16 ~~one member representing management and one member representing~~
~~labor for terms expiring February 1, 1996; and one member~~
~~representing management and one member representing labor for~~
~~terms expiring February 1, 1997.~~

18 **2. Removal.** Board members hold office for the terms
20 provided, unless removed, and until their successors are
22 appointed and qualified. They must be sworn and may be removed
24 by the Governor for inefficiency, willful neglect of duty or
26 malfeasance in office, but only with the review and concurrence
28 of the joint standing committee of the Legislature having
jurisdiction over state and local government matters upon hearing
in executive session or by impeachment. Before removing a board
member, the Governor shall notify the President of the Senate and
the Speaker of the House of Representatives of the removal and
the reasons for the removal.

30 **3. Vacancies.** If a vacancy occurs during a term of a
32 member, the Governor shall appoint a replacement to fill the
34 unexpired part of the term. The replacement must be from the
36 group represented by the member being replaced. In case the
38 office of chair becomes vacant, the remaining board member who
has served for the longest period of time shall act as chair
until the Governor makes an appointment to fill the vacancy
members shall, by agreement, select a successor chairperson. In
the event that the 2 remaining members can not agree on the
selection within 60 days of the vacancy, the Governor shall
appoint the chairperson.

40 **4. Chair.** ~~The board shall annually elect one of its members~~
42 ~~to serve as chair for a one-year term expiring February 1st each~~
44 ~~year. The term as chair of the first member elected to that~~
46 ~~position expires February 1, 1994. The chair must alternate~~
~~between management and labor members. The chair may vote on all~~
~~matters before the board.~~

48 **5. Voting requirements.** The board may take action only by
50 majority vote of its membership. ~~Decisions regarding the~~
~~employment of an executive director and the appointment and~~

~~retention of hearing officers require the affirmative votes of at least 2 board members representing management and at least 2 board members representing labor.~~

6. **Salary; expenses.** A board member is entitled to a per diem of \$100 per day. Members of the board receive their actual, necessary, cash expenses while on official business of the board.

7. **Leave of absence.** An employer may not terminate the employment of an employee who is appointed as a member of the board because of the exercise by the employee of duties required as a board member. The member is entitled to a leave of absence from employment for the period of time required to perform the duties of a board member. During the leave of absence, the member may not be subjected to loss of time, vacation time, or benefits of employment, excluding salary.

8. **Headquarters; regional offices.** The board must have its central office in the Augusta area and such district offices as it may choose to establish. The board may hold sessions at any place within the State.

9. **Seal.** The board must have a seal bearing the words "Workers' Compensation Board of Maine."

Sec. 2. Transition provisions. The terms of the members of the Workers' Compensation Board on the effective date of this Act end January 14, 2002. The Governor shall appoint 2 members to the board no later than January 15, 2002.

SUMMARY

This bill changes the composition of the Workers' Compensation Board. It provides for a board with 3 members, one representing management and one representing labor, appointed by the Governor, with the chair selected by agreement of the 2 appointed members.