MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1311

S.P. 405

In Senate, March 5, 2001

An Act to Amend the Workers' Compensation Laws Regarding Contracts for Services to Administer Reimbursement Requests.

Reported by Senator Edmonds for the Workers' Compensation Commission pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11.

Reference to the Committee on Labor suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Be it enacted by the People of the State of Maine as follows:
Sec. 1. 39-A MRSA §355, sub-§13, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is repealed.
Sec. 2. 39-A MRSA §355-A is enacted to read:
§355-A. Employment Rehabilitation Fund reimbursements
The Employment Rehabilitation Fund, established in section 355 and referred to in this section as the "fund," must be used
to reimburse employers, insurers and group self-insurers for their payments of compensation to employees under section 213,
subsections 3 and 4.
1. Employment rehabilitation fund reimbursement program. The board shall contract for the services of an employment
rehabilitation fund reimbursement program, referred to in this section as the "program." The program shall approve or deny
requests for reimbursement pursuant to section 213, subsections 3 and 4; obtain any necessary legal representation for claims for
reimbursement pursuant to section 213, subsections 3 and 4; and perform other functions that are required by the board.
2. Employment Rehabilitation Fund Oversight Committee. The board shall create the Employment Rehabilitation Fund Oversight
Committee, referred to in this section as the "committee," to monitor the performance of the program and make recommendations
to the board with respect to the administration of the program. The committee recommendations must include, but not be limited
to, recommendations regarding contracting for services with a program and the performance of the program during the term of the
contract.
A. The committee is composed of one member of the board representing labor, one member of the board representing
management, one member appointed by the Maine Chamber of Commerce and Industry and one member appointed by the Maine
AFL-CIO.
B. A member of the committee is not liable in a civil
action for any act performed in good faith in the execution

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C. A member of the committee is entitled to a per diem of \$100 per day. Members of the committee are entitled to receive reimbursement for their actual necessary cash expenses while on official business of the board. Salary and expenses paid pursuant to this paragraph must be made from the fund.

of duties as a member of the committee.

- 2 3. Payments from the fund. Payments from the fund for the purposes set forth in this section must be made as set forth in section 355, subsection 1.
 - 4. Jurisdiction; notice. The board has jurisdiction over all claims for reimbursement from the fund pursuant to section 213, paragraphs 3 and 4. The fund is not bound as to any question of law or fact by reason of any award, any agreement or any adjudication to which the fund was not a party, or in relation to which the fund was not notified, at least 21 days prior to the proceeding, that the fund might be subject to liability for the injury or death of an employee. Notice must be accomplished by serving via certified mail, return receipt requested, notice of a proceeding upon the program.

5. State not liable. The State is not liable for any claim against the fund pursuant to this section in excess of the fund's ability to pay. If any claim against the fund is denied due to an inadequate fund balance, that claim is entitled to priority over later claims when an adequate balance is restored.

- 6. Levy of assessment. The program shall notify the executive director of the board when the amount of money in the fund is less than \$500,000. The board shall then levy an assessment pursuant to section 356.
- 7. Rules. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

SUMMARY

This bill requires the Workers' Compensation Board to contract for services to administer reimbursement requests pursuant to the Maine Revised Statutes, Title 39-A, section 213, subsections 3 and 4. Payment for the services must be made from the Employment Rehabilitation Fund. This bill also creates an oversight committee to monitor the performance of the entity hired to administer the reimbursement requests. The oversight committee serves an advisory function and is directed to make recommendations to the Workers' Compensation Board on all matters related to reimbursement from the Employment Rehabilitation Fund. The Workers' Compensation Board retains responsibility for determining who will administer this program.