

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1541

S.P. 477

In Senate, March 8, 2001

An Act to Fund the Workers' Compensation Advocate Program.

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 TREAT of Kennebec.
Cosponsored by Senators: DOUGLASS of Androscoggin, EDMONDS of Cumberland,
ROTUNDO of Androscoggin, Representatives: CANAVAN of Waterville, MATTHEWS of
Winslow, McKEE of Wayne.

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

2
4 **Sec. 1. 39-A MRSA §153-A, sub-§3**, as enacted by PL 1997, c. 486, §4, is amended to read:

6 **3. Advocates.** The executive director shall hire
8 advocates under the authority of section 152, subsection 3,
10 subject to the Civil Service Law, who must be qualified by
experience and training. The executive director shall hire
sufficient advocates in order to maintain an active caseload of
no more than 100 cases per advocate.

12 A. The minimum qualifications for employment as an advocate
14 must include at least the following:

16 (1) A 6-year combination of appropriate experience,
18 education and training in advocacy or dispute
resolution;

20 (2) Knowledge of administrative, adjudicatory or
22 workers' compensation laws, rules and procedures;

24 (3) Knowledge of legal documents, court procedures and
rules of evidence; and

26 (4) Knowledge of medical and legal terminology and
28 practices with respect to workers' compensation.

30 B. The board shall ensure that advocates receive appropriate
and ongoing education and training.

32 C. An advocate may not represent before the board any
34 insurer, self-insurer or 3rd-party administrator for a
period of 2 years after terminating employment with the
board.

36 **Sec. 2. 39-A MRSA §154, sub-§6**, as amended by PL 1999, c. 359,
38 §1, is further amended to read:

40 **6. Assessment levied.** The assessments levied under this
42 section may not be designed to produce more than \$6,000,000 in
revenues annually beginning in the 1995-96 fiscal year, more than
44 \$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
\$7,335,000 beginning in fiscal year 2001-02. Assessments
46 collected that exceed \$6,000,000 beginning in the 1995-96 fiscal
year, \$6,600,000 beginning in the 1997-98 fiscal year ~~or~~
48 \$6,735,000 beginning in the 1999-00 fiscal year or \$7,335,000
beginning in fiscal year 2001-02 by a margin of more than 10%
50 must be refunded to those who paid the assessment. Any amount

2 collected above the board's allocated budget and within the 10%
 4 margin must be used to create a reserve of up to 1/4 of the
 6 board's annual budget. Any collected amounts or savings above
 8 the allowed reserve must be used to reduce the assessment for the
 10 following fiscal year. The board shall determine the assessments
 12 prior to May 1st and shall assess each insurance company or
 14 association and self-insured employer its pro rata share for
 16 expenditures during the fiscal year beginning July 1st. Each
 18 self-insured employer shall pay the assessment on or before June
 20 1st. Each insurance company or association shall pay the
 22 assessment in accordance with subsection 3.

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

28 2001-02 2002-03

30 **WORKERS' COMPENSATION BOARD**

32 **Administration - Workers'
 34 Compensation Board**

Positions - Legislative Count	(10.0)	(10.0)
Personal Services	\$482,071	\$516,764
All Other	67,000	25,000
Capital	35,000	

36 Allocates funds for 10
 38 Workers' Compensation
 Advocate positions and the
 necessary supplies and
 equipment to support the
 positions in order to
 maintain an active caseload
 of no more than 100 cases per
 Workers' Compensation
 Advocate position.

WORKERS' COMPENSATION BOARD		
TOTAL	\$584,071	\$541,764

42 **SUMMARY**

44 This bill allocates funds for an additional 10 positions to
 46 the Workers' Compensation Board to provide more resources for the
 48 worker advocate program. It also increases the cap on the annual
 50 assessment for the Workers' Compensation Board Administrative
 Fund and allocates the amounts needed to fund the 10 additional

2 positions and the supplies and equipment necessary to support the
positions. The bill also specifies that advocates must be hired
4 as necessary to maintain an active caseload of no more than 100
cases per advocate.