

MAINE STATE LEGISLATURE

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DATE: 5-28-03

(Filing No. S-243)

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 268, L.D. 339, Bill, "An Act To Require the Workers' Compensation Board To Adopt Rules To Require Electronic Filing"

Amend the amendment by striking out all of sections 1 and 2 and inserting in their place the following:

'Sec. 1. 39-A MRSA §152, sub-§2-A is enacted to read:

2-A. Electronic filing rulemaking. The board shall adopt rules requiring the electronic filing of information required by this Act and by board rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. The rules must be developed through the consensus-based rule development process set forth in Title 5, section 8051-B and must include as participants representatives of employers, insurers and 3rd-party administrators.

B. The rules must include written standards and procedures for implementation of the standards, which may include definition of the applicable programming interface for in-state and out-of-state entities required to submit reports. The rules must relate specific forms required to be filed with data points in the standards.

Before adopting the rules, the board shall test the applicable application programming interfaces and standards to ensure that the program operates successfully.

SENATE AMENDMENT

A. 33 42

2 **Sec. 2. 39-A MRSA §154, sub-§6**, as amended by PL 2003, c. 93,
§1, is further amended to read:

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6 **6. Assessment levied.** The assessments levied under this
section may not be designed to produce more than ~~\$6,000,000 in~~
7 ~~revenues annually beginning in the 1995-96 fiscal year, more than~~
8 ~~\$6,600,000 annually beginning in the 1997-98 fiscal year, more~~
9 ~~than \$6,735,000 beginning in the 1999-00 fiscal year, more than~~
10 ~~\$7,035,000 in the 2001-02 fiscal year or more than \$6,860,000 in~~
11 ~~revenues annually beginning in the 2002-03 fiscal year; except~~
12 ~~that, for fiscal years 2003-04 and 2004-05, the assessments may~~
13 ~~not produce more than \$6,900,000 in revenues annually.~~
14 Assessments collected that exceed ~~\$6,000,000 beginning in the~~
15 ~~1995-96 fiscal year, \$6,600,000 beginning in the 1997-98 fiscal~~
16 ~~year, \$6,735,000 beginning in the 1999-00 fiscal year, \$7,035,000~~
17 ~~in fiscal year 2001-02 or \$6,860,000 beginning in the 2002-03~~
18 ~~fiscal year by a margin of more than 10% must be refunded to~~
19 ~~those who paid the assessment; except that, for fiscal years~~
20 ~~2003-04 and 2004-05, assessments collected that exceed \$6,900,000~~
21 ~~annually by a margin of more than 10% must be refunded to those~~
22 ~~who paid the assessment.~~ Any amount collected above the board's
23 allocated budget and within the 10% margin must be used to create
24 a reserve of up to 1/4 of the board's annual budget. The board,
25 by a majority vote of its membership, may use its reserve to
26 assist in funding its Personal Services account expenditures and
27 All Other account expenditures and to help defray the costs
28 incurred by the board pursuant to this Act including
29 administrative expenses, consulting fees and all other reasonable
30 costs incurred to administer this Act. The board shall notify
31 the chairs and members of the joint standing committee of the
32 Legislature having jurisdiction over labor matters whenever the
33 board receives approval from the State Budget Officer and the
34 Governor to use reserve funds to increase its allotment above the
35 allocation authorized by the Legislature. Any collected amounts
36 or savings above the allowed reserve must be used to reduce the
37 assessment for the following fiscal year. The board shall
38 determine the assessments prior to May 1st and shall assess each
39 insurance company or association and self-insured employer its
40 pro rata share for expenditures during the fiscal year beginning
41 July 1st. Each self-insured employer shall pay the assessment on
42 or before June 1st. Each insurance company or association shall
43 pay the assessment in accordance with subsection 3.'

44
45 Further amend the amendment in section 3 in the 4th and 5th
46 lines (page 2, lines 23 and 24 in amendment) by striking out the
47 following: "\$73,000 in fiscal year 2003-04 and \$196,000 in
48 fiscal year 2004-05 and thereafter" and inserting in its place

SENATE AMENDMENT

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 268,
L.D. 339

the following: '\$40,000 for each of the fiscal years 2003-04 and
2004-05'

Further amend the amendment in section 3 in the 8th line
(page 2, line 27 in amendment) by inserting after the following:
"Act" the following: 'for fiscal years 2003-04 and 2004-05'

Further amend the amendment by striking out all of section 4
and inserting in its place the following:

'Sec. 4. Appropriations and allocations. The following
appropriations and allocations are made.

WORKERS' COMPENSATION BOARD

Administration - Workers' Compensation Board 0183

Initiative: Allocates funds for fiscal years 2003-04 and 2004-05
for the board to contract with the Department of Labor for
programming services to implement an electronic filing system.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$40,000	\$40,000
Other Special Revenue Funds Total	<u>\$40,000</u>	<u>\$40,000'</u>

SUMMARY

This amendment specifies that the electronic filing
rulemaking required by Committee Amendment "A" must be developed
through the consensus-based rule development process and must
include certain participants. The Workers' Compensation Board is
required to test the electronic filing process to ensure that it
functions correctly.

This amendment also increases the cap on assessments by
\$40,000 for each of the fiscal years 2003-04 and 2004-05 and

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 268,
L.D. 339


allocates the additional \$40,000 for the implementation of the
electronic filing system.

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SPONSORED BY: 
(Senator EDMONDS)

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COUNTY: Cumberland

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FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**

**LD 339**

**An Act to Require the Workers' Compensation Board to Adopt Rules to
Require Electronic Filing**

LR 0282(05)

Fiscal Note for Senate Amendment 'A' to Committee Amendment 'A'

Sponsor: Sen. Edmonds

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	(\$32,356)	(\$155,365)	(\$194,517)	(\$198,904)
Revenue				
Other Special Revenue Funds	(\$32,356)	(\$155,365)	(\$194,517)	(\$198,904)

Fiscal Detail and Notes

This amendment decreases the Other Special Revenue Funds cost of the bill by \$32,356 in fiscal year 2003-04 and \$155,365 in fiscal year 2004-05. As amended, this bill includes an Other Special Revenue Fund allocation of \$40,000 in fiscal years 2003-04 and 2004-05 for the Workers' Compensation Board to contract with the Department of Labor for programming services to implement an electronic filing system. As amended, this bill also increases the assessment cap to \$6,900,000 in fiscal years 2003-04 and 2004-05 only, and allows the board to use its reserve funds to defray the costs of this measure.