

# MAINE STATE LEGISLATURE

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MAJORITY  
LABOR

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION

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 bill by striking out everything after the enacting clause and before the summary and inserting in its 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 major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, except that rules requiring in-state carriers to electronically file first reports of injury that have caused an employee to lose a day's work, as provided in section 303, are routine technical rules.

Sec. 2. 39-A MRSA §154, sub-§6, as amended by PL 2001, c. 692, §1, is further amended to read:

6. Assessment levied. The assessments levied under this section may not be designed to produce more than \$6,000,000 in revenues annually beginning in the 1995-96 fiscal year, more than \$6,600,000 annually beginning in the 1997-98 fiscal year, more than \$6,735,000 beginning in the 1999-00 fiscal year, more than \$7,035,000 in the 2001-02 fiscal year or more than \$6,860,000 in revenues annually beginning in the 2002-03 fiscal year, more than \$6,933,000 in fiscal year 2003-04 or more than \$7,056,000 beginning in fiscal year 2004-05. Assessments collected that

COMMITTEE AMENDMENT

~~exceed \$6,000,000--beginning--in--the--1995-96--fiscal--year,~~  
~~\$6,600,000--beginning--in--the--1997-98--fiscal--year,--\$6,735,000~~  
~~beginning--in--the--1999-00--fiscal--year,--\$7,035,000--in--fiscal--year~~  
~~2001-02--or \$6,860,000 beginning in the 2002-03 fiscal year,~~  
\$6,933,000 in fiscal year 2003-04 or \$7,056,000 beginning in  
fiscal year 2004-05 by a margin of more than 10% must be refunded  
to those who paid the assessment. Any amount collected above the  
board's allocated budget and within the 10% 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 following fiscal year.  
The board shall determine the assessments prior to May 1st and  
shall assess each insurance company or association and  
self-insured employer its pro rata share for expenditures during  
the fiscal year beginning July 1st. Each self-insured employer  
shall pay the assessment on or before June 1st. Each insurance  
company or association shall pay the assessment in accordance  
with subsection 3.

**Sec. 3. Legislative intent; interpretation.** It is the intent of  
the Legislature that the cap on the assessment under the Maine  
Revised Statutes, Title 39-A, section 154 as amended in this Act  
is increased as provided in this Act by \$73,000 in fiscal year  
2003-04 and \$196,000 in fiscal year 2004-05 and thereafter. It  
is also the intent that any other increases in the cap in other  
legislation enacted during the First Regular Session of the 121st  
Legislature be in addition to the increase provided in this Act,  
except that there may be only one increase attributable to rules  
relating to electronic filing.

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

**WORKERS' COMPENSATION BOARD**

**Administration - Workers' Compensation Board 0183**

Initiative: Allocates funds for one Programmer Analyst position  
and for the set-up, consulting and training costs associated with  
implementing an electronic filing system.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Positions - Legislative Count	(1.000)	(1.000)
Personal Services	\$42,356	\$60,365
All Other	\$30,000	\$135,000
Other Special Revenue Funds Total	\$72,356	\$195,365'

**SUMMARY**

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Labor. It specifies that rules relating to electronic filing of information with the Workers' Compensation Board are major substantive rules, except for rules requiring electronic filing of first reports of injuries that have caused an employee to lose a day's work. Those rules are routine technical. It also increases the limit on the assessment used to fund the Workers' Compensation Board Administrative Fund to cover the cost of a staff person and setup, training and consulting costs. Finally, it provides that the increase in the assessment cap provided in this legislation should be added to any other increases in the assessment cap approved in this legislative session, except that there should only be one increase attributable to electronic filing.

**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(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Labor**

**Fiscal Note Required: Yes**

**Majority Report**

**Fiscal Note**

Undetermined current biennium cost increase - All Funds

	<b>2003-04</b>	<b>2004-05</b>	<b>Projections 2005-06</b>	<b>Projections 2006-07</b>
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$72,356	\$195,365	\$194,517	\$198,9
<b>Revenue</b>				
Other Special Revenue Funds	\$72,356	\$195,365	\$194,517	\$198,904

**Fiscal Detail and Notes**

This bill includes Other Special Revenue Funds allocations of \$72,356 in fiscal year 2003-04 and \$195,365 in fiscal year 2004-05 for one Programmer Analyst position and for the setup, consulting, and training costs associated with implementing an electronic filing system. This bill also increases the assessment cap to \$6,933,000 in fiscal year 2003-04 and \$7,056,000 in fiscal year 2004-05 for the costs associated with implementing the electronic filing system. Increasing the workers' compensation assessment will increase the cost to all State government agencies for the workers' compensation portion of personal services expense. The amount cannot be determined at this time.