

MAINE STATE LEGISLATURE

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MS

L.D. 398

DATE: 4-28-03

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LABOR

Reported by: Majority

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 135, L.D. 398, Bill, "An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts"

Amend the bill by striking out all of section 1 and inserting in it place the following:

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

2-A. Electronic filing. 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 exceed \$6,000,000 beginning in the 1995-96 fiscal year, \$6,600,000 beginning in the 1997-98 fiscal year, \$6,735,000

COMMITTEE AMENDMENT

R. of S.

beginning in the 1999-00 fiscal year, ~~\$7,035,000 in fiscal year~~
2 ~~2001-02--or~~ \$6,860,000 beginning in the 2002-03 fiscal year,
3 \$6,933,000 in fiscal year 2003-04 or \$7,056,000 beginning in
4 fiscal year 2004-05 by a margin of more than 10% must be refunded
5 to those who paid the assessment. Any amount collected above the
6 board's allocated budget and within the 10% margin must be used
7 to create a reserve of up to 1/4 of the board's annual budget.
8 Any collected amounts or savings above the allowed reserve must
9 be used to reduce the assessment for the following fiscal year.
10 The board shall determine the assessments prior to May 1st and
11 shall assess each insurance company or association and
12 self-insured employer its pro rata share for expenditures during
13 the fiscal year beginning July 1st. Each self-insured employer
14 shall pay the assessment on or before June 1st. Each insurance
15 company or association shall pay the assessment in accordance
16 with subsection 3.

18 **Sec. 3. 39-A MRSA §303**, as amended by PL 1999, c. 354, §5, is
19 further amended to read:

20 **§303. Reports to board**

22
23 When any employee has reported to an employer under this Act
24 any injury arising out of and in the course of the employee's
25 employment that has caused the employee to lose a day's work, or
26 when the employer has knowledge of any such injury, the employer
27 shall report the injury to the board within 7 days after the
28 employer receives notice or has knowledge of the injury. The
29 employer shall also report the average weekly wages or earnings
30 of the employee, as defined in section 102, subsection 4,
31 together with any other information required by the board, within
32 30 days after the employer receives notice or has knowledge of a
33 claim for compensation under section 212, 213 or 215, unless a
34 wage statement has previously been filed with the board. A copy
35 of the wage information must be mailed to the employee. The
36 employer shall report when the injured employee resumes the
37 employee's employment and the amount of the employee's wages or
38 earnings at that time. The employer shall complete a first
39 report of injury form for any injury that has required the
40 services of a health care provider within 7 days after the
41 employer receives notice or has knowledge of the injury. The
42 employer shall provide a copy of the form to the injured employee
43 and retain a copy for the employer's records but is not obligated
44 to submit the form to the board unless the injury later causes
45 the employee to lose a day's work or the employer is required by
46 board rules to electronically submit the form to the board. If an
47 employer is insured, the responsibility to ensure that a timely
48 and accurate injury report is filed under this section rests with
the insurer. The board shall audit compliance with this section

when it conducts audits of insurers pursuant to section 153, subsection 9 and section 359.'

Further amend the bill by striking out all of section 3 and inserting in its place the following:

'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 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 increases 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.

Other Special Revenue Funds	2003-04	2004-05
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'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Labor. It retains current law regarding the filing of forms relating to lost-time injuries and wage statements. It provides that the board may, by rule, require the electronic filing of forms relating to injuries that required the services of a health care provider but did not result in loss of a day's work. The amendment also adds a specific provision allowing the board to adopt rules requiring electronic filing as routine

COMMITTEE AMENDMENT "A" to S.P. 135, L.D. 398

technical rules. It also strikes the section delaying the
effective date of one of the sections, provides for an increase
in the limit on assessments to fund the Workers' Compensation
Board Administrative Fund and provides that the assessment
increase is in addition to any other increase enacted in this
legislative session.

FISCAL NOTE REQUIRED
(See attached)

121st Maine Legislature
Office of Fiscal and Program Review



LD 398

An Act To Improve Collection of Information about Work-related Injuries and To Enhance Injury Prevention Efforts

LR 0444(02)

Fiscal Note for Bill as Amended by Committee Amendment *A S 80*

Committee: Labor

Fiscal Note Required: Yes

Majority Report

Fiscal Note

Undetermined current biennium cost increase - All Funds

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	\$72,356	\$195,365	\$194,517	\$198,904
Revenue				
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 (all funds) for the workers' compensation portion of personal services expense. The amount cannot be determined at this time. The cost to the Department of Labor to convene a working group can be absorbed utilizing existing budgeted resources.