

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 550

S.P. 190

In Senate, February 6, 2003

An Act Regarding Employment of Workers' Compensation Board Hearing Officers and Mediators

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 EDMONDS of Cumberland.
Cosponsored by Representative SMITH of Van Buren and
Representatives: HATCH of Skowhegan, HUTTON of Bowdoinham, PATRICK of Rumford.

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

2
4 **Sec. 1. 39-A MRSA §151, sub-§5**, as enacted by PL 1991, c. 885,
Pt. A, §8 and affected by §§9 to 11, is amended to read:

6 **5. Voting requirements.** The board may take action only by
majority vote of its membership. Decisions regarding the
8 employment of an executive director ~~and--the--appointment--and~~
~~retention-of-hearing-officers~~ require the affirmative votes of at
10 least 2 board members representing management and at least 2
board members representing labor.

12
14 **Sec. 2. 39-A MRSA §152, sub-§3**, as enacted by PL 1991, c. 885,
Pt. A, §8 and affected by §§9 to 11, is amended to read:

16 **3. Employment of executive director.** The board shall
employ an executive director who shall conduct the day-to-day
18 operations of the board in accordance with policies established
by the board and otherwise implement board policy. Except as
20 otherwise provided, the executive director shall, ~~at--the~~
~~direction-of-the-board~~, hire personnel as necessary to administer
22 this Act, subject to the Civil Service Law, including hearing
officers and mediators. The executive director is an unclassified
24 employee serving at the pleasure of the board.

26 **Sec. 3. 39-A MRSA §152, sub-§5**, as enacted by PL 1991, c. 885,
Pt. A, §8 and affected by §§9 to 11, is repealed.

28
30 **Sec. 4. 39-A MRSA §152-A** is enacted to read:

32 **§152-A. Employment of and contracts with hearing officers and**
mediators.

34 The executive director shall obtain the services of persons
qualified by background and training to serve as hearing
36 officers, who are authorized to take action and enter orders
consistent with this Act in all cases assigned to them by the
38 board, and mediators. The executive director has discretion to
obtain, on behalf of the board, the services of hearing officers
40 and mediators by either of the 2 following methods:

42 **1. Contract.** The executive director, on behalf of the
board, may contract for the services of hearing officers and
44 mediators, in which case they must be paid reasonable per diem
fees for their services plus reimbursement of their actual,
46 necessary and reasonable expenses incurred in the performance of
their duties, consistent with policies established by the board;
48 or

2 2. Employ. The executive director, on behalf of the board,
3 may employ hearing officers and mediators who are unclassified
4 employees subject to the Civil Service Law. They are entitled to
5 receive reimbursement of their actual, necessary and reasonable
6 expenses incurred in the performance of their duties, consistent
7 with policies established by the board.

8

SUMMARY

10

11 This bill transfers the authority to hire workers'
12 compensation hearing officers and mediators from the 8-member
13 board to the agency's executive director, while still retaining
14 the option of obtaining the services of these hearing officers
15 and mediators either as agency employees or on a contractual
16 basis.