

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 996

S.P. 336

In Senate, February 24, 2005

**Resolve, Establishing the Commission To Study Medical Expenses
Under the Maine Workers' Compensation Act of 1992**

(EMERGENCY)

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 PLOWMAN of Penobscot.
Cosponsored by Senators: ANDREWS of York, COURTNEY of York, MILLS of Somerset,
Representatives: FAIRCLOTH of Bangor, MILLS of Farmington, TARDY of Newport.

2 **Emergency preamble. Whereas,** acts and resolves of the
Legislature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

4
6 **Whereas,** this resolve creates the Commission to Study
Medical Expenses Under the Maine Workers' Compensation Act of
1992; and

8
10 **Whereas,** the study must be initiated before the 90-day
period expires in order that the study may be completed and a
report submitted in time for submission to the next legislative
12 session; and

14 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
16 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
18 safety; now, therefore, be it

20 **Sec. 1. Commission established. Resolved:** That the Commission
to Study Medical Expenses Under the Maine Workers' Compensation
22 Act of 1992, referred to in this resolve as "the commission," is
established; and be it further

24 **Sec. 2. Commission membership. Resolved:** That the commission
26 consists of 5 members appointed as follows:

28 1. One member of the Senate, appointed by the President of
the Senate;

30 2. One member of the House of Representatives, appointed by
32 the Speaker of the House;

34 3. One member representing business and industry, appointed
by the Governor;

36 4. One member representing organized labor, appointed by
38 the Governor; and

40 5. One member representing the health care industry,
appointed by the Governor; and be it further

42 **Sec. 3. Chairs. Resolved:** That the Senate member is the
44 Senate chair of the commission and the House of Representatives
member is the House chair of the commission; and be it further

46

2 **Sec. 4. Appointments; convening of commission. Resolved:** That
all appointments must be made no later than 30 days following the
4 effective date of this resolve. The appointing authorities shall
notify the Executive Director of the Legislative Council once all
6 appointments have been completed. Within 15 days after
appointment of all members, the chairs shall call and convene the
8 first meeting of the commission; and be it further

10 **Sec. 5. Duties. Resolved:** That the commission shall study
Maine's workers' compensation fee schedule and compare it to:

- 12 1. The federal workers' compensation fee schedule;
- 14 2. Other states' workers' compensation fee schedules; and
- 16 3. Other fee schedules such as those of the MaineCare
18 program.

20 The commission shall develop and propose a workers'
compensation medical fee schedule for all health care services,
22 including pharmaceutical expenses. The medical fee schedule
should not compromise the quality of or access to health care for
24 injured workers. The schedule should establish a maximum fee for
the services that equals the average amount a health care
26 provider or entity charges Anthem, Dirigo Health, Cigna and Aetna
for the same services; and be it further

28 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the
Legislative Council, the Office of Policy and Legal Analysis
30 shall provide necessary staffing services to the commission; and
be it further

32 **Sec. 7. Compensation. Resolved:** That the legislative members
34 of the commission are entitled to receive the legislative per
diem, as defined in the Maine Revised Statutes, Title 3, section
36 2, and reimbursement for travel and other necessary expenses
related to their attendance at authorized meetings of the
38 commission. Public members not otherwise compensated by their
employers or other entities that they represent are entitled to
40 receive reimbursement of necessary expenses and, upon a
demonstration of financial hardship, a per diem equal to the
42 legislative per diem for their attendance at authorized meetings
of the commission; and be it further

44 **Sec. 8. Report. Resolved:** That, no later than November 2,
46 2005, the commission shall submit a report that includes its
findings and recommendations, including suggested legislation,
48 for presentation to the Second Regular Session of the 122nd
Legislature. The commission is authorized to introduce

2 legislation related to its report to the Second Regular Session
of the 122nd Legislature at the time of submission of its report;
and be it further

4
6 **Sec. 9. Extension. Resolved:** That, if the commission requires
a limited extension of time to complete its study and make its
report, it may apply to the Legislative Council, which may grant
8 an extension; and be it further

10 **Sec. 10. Commission budget. Resolved:** That the chairs of the
commission, with assistance from the commission staff, shall
12 administer the commission's budget. Within 10 days after its
first meeting, the commission shall present a work plan and
14 proposed budget to the Legislative Council for its approval. The
commission may not incur expenses that would result in the
16 commission's exceeding its approved budget. Upon request from
the commission, the Executive Director of the Legislative Council
18 shall promptly provide the commission chairs and staff with a
status report on the commission budget, expenditures incurred and
20 paid and available funds.

22 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

24
26 **SUMMARY**

28 This resolve establishes the Commission to Study Medical
Expenses Under the Maine Workers' Compensation Act of 1992. The
30 commission shall submit its report to the Second Regular Session
of the 122nd Legislature by November 2, 2005.