

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1439

S.P. 506

March 15, 2007

An Act To Enhance the Workers' Compensation Board Advocate Program

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 NUTTING of Androscoggin.
Cosponsored by Representative CRESSEY of Cornish and Senators: BARTLETT of Cumberland, DOW of Lincoln, STRIMLING of Cumberland, Representatives: CLARK of Millinocket, HOLMAN of Fayette, TUTTLE of Sanford.

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

2 **Sec. 1. 2 MRSA §6-E, sub-§2**, as enacted by PL 1993, c. 145, §1, is amended to
3 read:

4 **2. General counsel.** The salary of the general counsel is within salary range ~~86~~ 89.

5 **Sec. 2. 39-A MRSA §153-A, sub-§3, ¶A**, as enacted by PL 1997, c. 486, §4, is
6 amended to read:

7 A. The minimum qualifications for employment as an advocate must include at least
8 the following:

9 ~~(1) A 6 year combination of appropriate experience, education and training in~~
10 ~~advocacy or dispute resolution;~~

11 (1-A) Admission to practice law in the State and current registration with the
12 Board of Overseers of the Bar or eligibility for admission to practice law in the
13 State, as long as the advocate is admitted to practice law in the State and is
14 registered with the Board of Overseers of the Bar within 12 months of the date
15 the advocate was hired;

16 (2) Knowledge of administrative, adjudicatory or workers' compensation laws,
17 rules and procedures;

18 (3) Knowledge of legal documents, court procedures and rules of evidence; and

19 (4) Knowledge of medical and legal terminology and practices with respect to
20 workers' compensation.

21 **Sec. 3. Transition.** Notwithstanding the Maine Revised Statutes, Title 39-A,
22 section 153-A, subsection 3, paragraph A-1, an individual that is employed by the
23 Workers' Compensation Board as an advocate on the effective date of this Act continues
24 to serve as an advocate regardless of whether that individual meets the minimum
25 qualifications established by this Act. An advocate hired on or after the effective date of
26 this Act must meet the minimum qualifications established by this Act. An individual
27 employed by the Workers' Compensation Board as a paralegal assistant on the effective
28 date of this Act continues to serve as a paralegal subject to the applicable collective
29 bargaining agreement.

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

32 **WORKERS' COMPENSATION BOARD**

33 **Administration - Workers' Compensation Board**

34 Initiative: Allocates funds for reclassification of 11 Worker Advocate positions from
35 range 24 to range 27, reclassification of one Worker Advocate position (range 24) to
36 Deputy Senior Staff Attorney Position (range 29), reclassification of 1 Senior Staff
37 Attorney position from range 29 to range 33, reclassification of 1 General Counsel

1 position from range 86 to range 89, and reclassification of 6 Paralegal Assistant positions
2 (range 18) to Paralegal positions (range 20).

3

4 OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
5 Personal Services	\$161,249	\$161,249
6		
7 OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$161,249</u>	<u>\$161,249</u>

8 **SUMMARY**

9 This bill requires that individuals hired as worker advocates by the Workers'
10 Compensation Board on or after the effective date of this legislation either be admitted to
11 practice law in the State or be eligible to practice law in the State upon hiring and, within
12 12 months of hiring, be admitted to practice law in the State.

13 This bill also increases the salary of the general counsel from salary range 86 to
14 salary range 89 and reclassifies numerous additional positions.