

MAINE STATE LEGISLATURE

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LABOR

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1103, L.D. 1566, Bill, "An Act Relating to the Membership of the Workers' Compensation Board"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 39-A MRSA §151, sub-§1, as amended by PL 2003, c. 608, §5, is further amended to read:

1. Board established. Pursuant to Title 5, section 12004-G, subsection 35, the Workers' Compensation Board is established as an independent board composed of 7 members. The members of the board, including the executive director, must be appointed by the Governor within 30 days after a new board member is authorized or a vacancy occurs, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and confirmation by the Legislature. Notwithstanding the provisions of Title 3, section 157, the designated committee shall complete its review of the appointments of the Governor within 15 days of the Governor's written notice of appointment and the vote of the Legislature must be taken no later than 7 days after the vote of the designated committee.

The board consists of 3 representatives of management, 3 representatives of labor and the executive director appointed pursuant to subsection 1-A. All management representatives must be appointed from a list provided by the Maine Chamber of Commerce and Industry or other bona fide organization or association of employers. All labor representatives must be from a list provided by the Executive Board of the Maine AFL-CIO or other bona fide labor organization or association of employees representing at least 10% of the Maine work force. Any list submitted to the Governor must have at least 4 times the number of names as there are vacancies for the group represented by the vacancies.

A member of the board is not liable in a civil action for any act performed in good faith in the execution of duties as a board member.

A member of the board may not be a lobbyist required to be registered with the Commission on Governmental Ethics and Election Practices, a service provider to the

COMMITTEE AMENDMENT

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workers' compensation system or a representative of a service provider to the workers' compensation system. In addition to the conflict of interest provisions in section 152, subsection 8, a member of the board may not take part in reaching a decision or recommendation in any matter that directly affects an insurer, self-insurer, group self-insurer or labor organization that the member represents.

Members of the board representing management and labor hold office for staggered terms of 4 years, commencing and expiring on February 1st, except for initial appointees and members appointed to fill unexpired terms. A member representing management or labor may not serve for more than 2 full terms.'

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SUMMARY

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This amendment replaces the bill and clarifies the current restrictions on the Workers' Compensation Board membership with regard to any possible conflict of interest between a member and an issue in front of the board. It cites the conflict of interest provisions found in the Maine Workers' Compensation Act of 1992, which refers to the disqualification of executive employees from participating in matters that appear to be a conflict of interest by disclosure or by abstention found in the Maine Revised Statutes, Title 5, section 18.