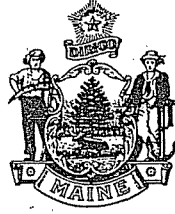


# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1566

H.P. 1103

House of Representatives, December 21, 2009

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**An Act Relating to the Membership of the Workers' Compensation Board**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BUTTERFIELD of Bangor.  
Cosponsored by Senator JACKSON of Aroostook and  
Representatives: BLODGETT of Augusta, CROCKETT of Augusta, CUSHING of Hampden,  
THIBODEAU of Winterport.

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

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

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

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

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

24 ~~A member of the board may not be a lobbyist required to be registered with the~~  
25 ~~Commission on Governmental Ethics and Election Practices, a service provider to the~~  
26 ~~workers' compensation system or a representative of a service provider to the workers'~~  
27 ~~compensation system.~~

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

32 A member of the board may not:

33 A. Engage in lobbying as defined in Title 3, section 312-A, subsection 9 unless such  
34 lobbying is on behalf of the board in the member's capacity as a board member; or

35 B. Be a service provider to the workers' compensation system or a representative of a  
36 service provider to the workers' compensation system. For purposes of this  
37 paragraph, "service provider" includes, but is not limited to, insurers authorized to  
38 write workers' compensation policies in the State, and group self-insurers.

39 **Sec. 2. Application.** That section of this Act that amends the Maine Revised  
40 Statutes, Title 39-A, section 151, subsection 1 does not apply to members of the Workers'  
41 Compensation Board serving on the effective date of this Act.

**SUMMARY**

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This bill clarifies the current restrictions on Workers' Compensation Board membership related to lobbying and being a service provider to the workers' compensation system.