

MAINE STATE LEGISLATURE

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ROFS

L.D. 1913

Date: 4-12-12

(Filing No. S-553)

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STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 1417, L.D. 1913, Bill, "An Act To Review and Restructure the Workers' Compensation System"

Amend the bill by striking out the title and substituting the following:

'An Act To Restructure the System of Compensating Workers Who Are Injured on the Job'

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

'Sec. 1. 39-A MRSA, as amended, is repealed.

Sec. 2. Transition and transfer. The following provisions apply to the transfer of jurisdiction over causes of action from the Workers' Compensation Board to the judicial branch.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Workers' Compensation Board.

B. "Cause of action" means a cause of action for compensation or treatment for accidental injury or death arising out of and in the course of employment and a cause of action for compensation or treatment for disease or death arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment.

2. Cause of action accruing on or after July 1, 2013; divestiture of jurisdiction. The provisions of the Maine Revised Statutes, former Title 39-A do not apply to any cause of action accruing on or after July 1, 2013. On July 1, 2013, the board is divested of jurisdiction over all actions over which it had jurisdiction on June 30, 2013. All actions over which the board had jurisdiction on June 30, 2013 are transferred to the Supreme Judicial Court for assignment to the courts, which assume jurisdiction over those actions on July 1, 2013.

3. Development of plan for transition and transfer of jurisdiction. The board, within existing resources, shall develop a plan for the transfer to the judicial branch of jurisdiction over causes of action accruing on or after July 1, 2013. The judicial branch

1 shall, within existing resources, provide assistance to the board in the development of the
2 plan. The board shall submit its plan, together with any necessary implementing
3 legislation, to the joint standing committee of the Legislature having jurisdiction over
4 labor matters by December 1, 2012. The joint standing committee of the Legislature
5 having jurisdiction over labor matters may report out a bill pertaining to the report to the
6 126th Legislature.

7 **Sec. 3. Effective date.** That section of this Act that repeals the Maine Revised
8 Statutes, Title 39-A takes effect July 1, 2013.'

9 **SUMMARY**

10 Like the bill, this amendment restructures the system of compensating workers who
11 are injured on the job. Unlike the bill, which proposes changes to the current laws
12 governing workers' compensation, this amendment repeals the laws establishing the
13 Maine Workers' Compensation Act of 1992. Under this amendment, beginning July 1,
14 2013, an employee injured while on the job would seek compensation for the employee's
15 damages through the judicial system. This amendment directs the Workers'
16 Compensation Board to develop a plan for the transition and transfer of jurisdiction to the
17 judicial branch.

18 **FISCAL NOTE REQUIRED**

19 (See attached)

20 SPONSORED BY: John L. Patrick

21 (Senator PATRICK)

22 COUNTY: Oxford



125th MAINE LEGISLATURE

LD 1913

LR 2787(03)

An Act To Review and Restructure the Workers' Compensation System

Fiscal Note for Senate Amendment "A" S-553

Sponsor: Sen. Patrick of Oxford

Fiscal Note Required: Yes

Fiscal Note

Undetermined future biennium cost increase - General Fund
Undetermined future biennium savings - Other Special Revenue Funds
Undetermined future biennium revenue decrease - Other Special Revenue Funds

Fiscal Detail and Notes

Transferring the jurisdiction over all causes of action accruing on or after July 1, 2013 from the Workers' Compensation Board to the Supreme Judicial Court will increase General Fund costs to the Courts.

Eliminating the Workers' Compensation Board effective July 1, 2013 will eliminate future Other Special Revenue Funds costs for all 110 positions currently budgeted within the Board and its related all other. This amendment will also eliminate future dedicated revenue to the Board from assessments, fines and penalties.

Additional costs to the Workers' Compensation Board and the Judicial Branch to develop the required transition plan can be absorbed within each agency's existing budgeted resources.