

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1239

S.P. 407

In Senate, March 25, 2021

**An Act Establishing Employers' Right To File a Complaint To
Enforce Payment of Workers' Compensation Premiums**

Received by the Secretary of the Senate on March 23, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.
Cosponsored by Senator: President JACKSON of Aroostook, Representatives: CUDDY of Winterport, WARREN of Scarborough.

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

2 **Sec. 1. 39-A MRSA §324, sub-§5** is enacted to read:

3 **5. Failure to pay workers' compensation premiums.** The board may issue a penalty
4 in accordance with this section to an employer that has procured insurance coverage for the
5 payment of compensation and other benefits and has failed to pay workers' compensation
6 premiums to the insurance carrier.

7 **Sec. 2. 39-A MRSA §362** is enacted to read:

8 **§362. Employer complaint**

9 An employer required to pay workers' compensation premiums may file a complaint to
10 the board if that employer believes another employer is failing to pay workers'
11 compensation premiums to an insurance carrier as required pursuant to chapter 9. Upon
12 receipt of a complaint filed by an employer, the board shall:

13 **1. Investigate complaint.** Investigate the complaint;

14 **2. Enforcement action.** Take enforcement action, if the board determines it
15 necessary; and

16 **3. Notify insurance carrier.** Notify the insurance carrier if an enforcement action has
17 been taken against an employer.

18 **Sec. 3. Board to submit report.** The Workers' Compensation Board shall submit
19 a report to the Joint Standing Committee on Labor and Housing describing any actions
20 taken by the board pursuant to the Maine Revised Statutes, Title 39-A, section 362,
21 including any suggested legislation necessary to further implement that provision, no later
22 than January 1, 2022. The committee may submit legislation related to the report to the
23 Second Regular Session of the 130th Legislature.

24 **SUMMARY**

25 This bill allows an employer required to pay workers' compensation insurance
26 premiums to file a complaint with the Workers' Compensation Board if that employer
27 believes another employer is required to purchase workers' compensation insurance
28 coverage but has failed to pay the premiums.