MAINE STATE LEGISLATURE

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L.D. 1896 Date: 2/16/24 2 (Filing No. S-534) MAJORITY 3 LABOR AND HOUSING 4 Reproduced and distributed under the direction of the Secretary of the Senate. 5 STATE OF MAINE 6 SENATE 7 131ST LEGISLATURE 8 SECOND REGULAR SESSION 9 COMMITTEE AMENDMENT "A" to S.P. 767, L.D. 1896, "An Act to Index Workers' Compensation Benefits to the Rate of Inflation" 10 11 Amend the bill by striking out the title and substituting the following: 12 'Resolve, Directing the Workers' Compensation Board to Analyze Data on the 13 Adequacy of Certain Maine Workers' Compensation Benefits' 14 Amend the bill by striking out everything after the title and inserting the following: 15 'Sec. 1. Workers' Compensation Board to identify and conduct an analysis 16 of claims and payments. Resolved: That the Workers' Compensation Board, referred to in this resolve as "the board," using data supplied by insurers, 3rd-party administrators, 17 18 group self-insurers and individual self-insured employers, shall identify and analyze the 19 compensation and benefits provided to an individual claimant pursuant to the Maine 20 Revised Statutes, Title 39-A, section 212 for total incapacity, section 213 for partial 21 incapacity and section 215 for death and any other relevant data and available reports. For 22 each claimant, the analysis must include, but is not limited to, data and reports relating to 23 the following components: 24 1. The claim identification number assigned by the board; 25 2. The claim identification number assigned by the insurer, 3rd-party administrator, 26 group self-insurer or individual self-insured employer; 27 3. The date of injury; 28 4. The average weekly wage; 29 5. The compensation rate; 30 6. For a claimant pursuant to Title 39-A, section 212, the number of weeks of compensation and benefits paid; 31 32 7. For a claimant pursuant to Title 39-A, section 213, the number of weeks of 33 compensation and benefits paid and the number of weeks for which the benefit was 100%

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- COMMITTEE AMENDMENT "A " to S.P. 767, L.D. 1896 (5-534) 8. For a claimant pursuant to Title 39-A, section 215, the number of weeks of 1 2 compensation and benefits paid: 3 9. The date the last payment was made and whether payments are continuing; 4 10. The total amount of indemnity benefits paid; and 5 11. Any other information the board determines necessary to complete the analysis. 6 In analyzing each data component, the board shall consider the accuracy of the data 7 available; how the benefit amount compares to the current cost of living as determined by 8 the United States Department of Labor, Bureau of Labor Statistics CPI-U for the New 9 England Division; the cost of updating the annual adjustment provision in Title 39-A, 10 section 212; and the cost of implementing a cost-of-living adjustment provision in sections 11 213 and 215. 12 Sec. 2. Updates; report; legislation. Resolved: That the board, within existing 13 resources, shall provide monthly updates to the joint standing committee of the Legislature 14 having jurisdiction over workers' compensation matters on the identification of data and 15 reports and the analysis conducted under section 1. No later than August 16, 2025, the board shall submit a final report to the committee with its findings, recommendations and 16 17 suggested legislation. The report must include: 18 1. A thorough analysis of the data and reports that were considered, identification of 19 data or other areas that require further study and recommendations on any changes or 20 adjustments to workers' compensation benefits in order to ensure claimants are receiving 21 adequate benefits; 22 2. A thorough analysis of whether the Maine Workers' Compensation Act of 1992 23 provides substantial protection for workers who have suffered work-related injuries and 24 diseases at an affordable cost to employers, including whether the workers' compensation 25 system can provide the income support that injured workers require as a result of their 26 injuries at a cost no greater than the median cost in other states; and 27 3. Information regarding the retroactive application of workers' compensation 28
 - legislation based on the analysis under this resolve and an evaluation of the costs of potential retroactive application.

The committee may report out legislation to the 132nd Legislature in 2026 related to the subject matter of the report.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

This amendment is the majority report of the committee. The amendment replaces the bill with a resolve directing the Workers' Compensation Board to collect data from insurers, 3rd-party administrators, group self-insurers and self-insured employers and to analyze that data to make recommendations to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters on the adequacy of workers' compensation benefits to claimants under the Maine Revised Statutes, Title 39-A, sections 212, 213 and 215.

COMMITTEE AMENDMENT "A" to S.P. 767, L.D. 1896 (5-534) The amendment also requires the board to provide monthly updates to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters and submit a final report no later than August 16, 2025. FISCAL NOTE REQUIRED (See attached)



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LD 1896

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An Act to Index Workers' Compensation Benefits to the Rate of Inflation

Fiscal Note for Bill as Amended by Committee Amendment "4" (5-534)

Committee: Labor and Housing

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Workers' Compensation Board to conduct the required analysis and provide the monthly updates can be absorbed within existing budgeted resources.