

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

RESOLVES
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 48

H.P. 1601 - L.D. 2106

RESOLVE, to Authorize the Public Advocate to Intervene in Workers' Compensation Proceedings Before the Superintendent of Insurance.

Emergency preamble. Whereas, resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Superintendent of Insurance has received a rate case request with respect to workers' compensation; and

Whereas, the final determination of the Superintendent could have a substantial impact upon the state economy; and

Whereas, the resources of the business and labor sectors of the State are very limited compared to the resources of the national and international insurance companies providing workers' compensation coverage; and

Whereas, workers' compensation rate cases involve very complicated and technical information which is not readily available to the public; and

Whereas, it is vital for the Superintendent of Insurance to be presented with more than one perspective and as much information as possible during those proceedings; and

Whereas, the Public Advocate is the most feasible person to provide a different perspective and additional analytical information to the Superintendent of Insurance to assist him in rendering a decision; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Workers' compensation rate intervention. Resolved: That the Office of the Public Advocate, as established in the Revised Statutes, Title 35, section 1-A, is authorized and directed to intervene as a party in all proceedings before the Super-

intendent of Insurance concerning the workers' compensation rate filing submitted by the National Council on Compensation Insurance on December 28, 1983. The Public Advocate shall have the same rights as other intervenors in all proceedings relating to that rate filing, including rights of appeal from orders or decisions of the Superintendent of Insurance. As an intervenor, the Public Advocate shall represent the interests of state employers and employees; and be it further

Sec. 2. Representation of the Office of the Public Advocate in proceedings. Resolved: That notwithstanding the Revised Statutes, Title 5, section 191, the Attorney General shall not represent the Public Advocate in the proceedings described in section 1. The Public Advocate, a staff attorney designated by the Public Advocate, or private counsel employed by the Public Advocate, may represent the Office of the Public Advocate in these proceedings; and be it further

Sec. 3. Advisory committee. Resolved: That there is established a special advisory committee to advise the Public Advocate in participating as an intervenor in the rate filing. The duties of the advisory committee include, but are not limited to, assisting the Public Advocate in the identification of issues which should be examined in the filing and in the gathering of information which is relevant to those issues.

The advisory committee shall consist of 7 persons and shall be appointed by the Governor by March 6, 1984. It shall be composed of 3 employer representatives, 3 employee representatives and a chairman representing the general public.

The advisory committee shall not be paid a per diem compensation, but may be compensated for expenses as provided for state employees not subject to a bargaining agreement, as defined in the Revised Statutes, Title 5, section 8.

Notwithstanding the provisions pertaining to the appointment of the Advisory Committee, the Public Advocate may proceed as provided in this resolve upon the effective date of this resolve; and be it further

Sec. 4. Consultant services and expert witnesses. Resolved: That the Public Advocate may contract with and retain the services of actuaries, private legal counsel and other necessary experts to assist in his preparation for and participating in all proceedings relating to the rate filing; and be it further

Sec. 5. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1983-84

EXECUTIVE DEPARTMENT

Office of Public Advocate

All Other \$70,000

These funds shall be kept in a separate account and shall not lapse on June 30, 1984. These funds shall carry forward until all proceedings and appeals arising from the December 28, 1983, workers' compensation insurance rate filing have been concluded.

Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective February 29, 1984.

CHAPTER 49

H.P. 1455 - L.D. 1907

**RESOLVE, Adopting a Permanent Plan for
Federal Surplus Property.**

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States Property and Administrative Services Act of 1949, Section 203(j) (4) (A), as amended, requires that each state develop a detailed plan of operation before any federal surplus property may be transferred to any state agency; and

Whereas, the United States General Services Administration has established June 30, 1984, as the