

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

CHAPTER 65

H.P. 811 - L.D. 1212

AN ACT Regarding Workers' Compensation
Commission Staffing.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, the Workers' Compensation Commission functions have changed greatly in the past 2 years; and

Whereas, it is imperative that the commission's staff positions are properly established, evaluated and assigned a pay range in a manner consistent with state personnel practices to assure proper recruitment, retention and compensation; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §953 is enacted to read:

§953. Workers' Compensation Commission

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Workers' Compensation Commission. Notwithstanding any other law, these positions and their successor positions shall be subject to this chapter:

A. Assistant to the chairman.

Sec. 2. 39 MRSA §92, sub-§2, as enacted by PL 1983, c. 479, §16, is repealed and the following enacted in its place.

2. Employees. The chairman shall appoint an assistant to the chairman, who shall serve at his pleasure. Subject to the Personnel Law, the chairman shall appoint a Director of Administrative Services, full-time or part-time reporters and such legal, professional and clerical assistants as may be necessary.

Sec. 3. 39 MRSA §92, sub-§6, as enacted by PL 1983, c. 479, §16, is amended to read:

6. Office of Employee Assistants. The chairman shall provide adequate funding for an Office of Employee Assistants and shall, subject to the Personnel Law, appoint the assistants to staff the Augusta office and district offices. Assistants are not attorneys, but should demonstrate a level of expertise roughly equivalent to that of insurance claims' analysts. The purpose of employee assistants is to provide advice and assistance to employees under this Act, and particularly to assist employees in preparing for and assisting at informal conferences under section 94-B.

No employee of the Office of Employee Assistants may represent before the commission any insurer, self-insurer, group self-insurer, adjusting company or self-insurance company for a period of 2 years after terminating employment with the office.

The chairman shall appoint 6 employee assistants. After January 1, 1984, the chairman may appoint up to 4 additional assistants if, in the chairman's judgment, the additional assistants are necessary to effectuate the purposes of this subsection.

Employee assistants shall be paid a salary equal to that paid to state employees in professional and technical range 21-

Sec. 4. PL 1983, c. 824, Pt. 2 is repealed.

Sec. 5. Implementation. The Department of Personnel is directed to carry out an evaluation of employee assistants, the assistant to the chairman and the Director of Administrative Services under the Workers' Compensation Commission as rapidly as possible to carry out the intent of this Act.

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

Effective April 4, 1985.

CHAPTER 66

H.P. 751 - L.D. 1057

AN ACT to Restrict the Payment of
Unemployment Compensation Benefits to
Workers Who are on Strike.

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

26 MRSA §1193, sub-§4, as amended by PL 1983, c. 351, §17, is further amended to read:

4. Stoppage of work. For any week with respect to which the deputy, after notification by the Director of Unemployment Compensation pursuant to under section 1194, subsection 2, finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment or other premises at which he is or was employed, or there would have been a stoppage of work had substantially normal operations not been maintained with other personnel previously and currently employed by the same employer and any other additional personnel which the employer may hire to perform tasks not previously done by the striking employees. This subsection ~~shall~~ does not apply if it is shown to the satisfaction of the deputy that:

A. He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work;

B. He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

C. He has obtained employment subsequent to the beginning of the stoppage of work and has earned at least 8 times his weekly benefit amount or has