

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

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

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE

SECOND REGULAR SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

this Act shall be determined to be void or unenforceable, such action shall not adversely affect the application or enforceability of any other section of the Act.

The enactment of this Act shall in no way affect the validity of actions of the district or its predecessor heretofore taken pursuant to other private and special acts notwithstanding the amendment or repeal of such acts.

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

Effective April 14, 1986.

CHAPTER 108

H.P. 1698 - L.D. 2391

AN ACT to Ratify the Vote Converting Caswell
Plantation to a Town.

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

Referendum vote validated. The majority vote of the voters of Caswell Plantation at the referendum held pursuant to Private and Special Law 1985, chapter 44 is declared to be a valid approval of that Act, notwithstanding the fact that the total vote cast for and against acceptance did not equal or exceed 50% of the total number of votes cast in the plantation for Governor at the last gubernatorial election preceeding the vote and Private and Special Law 1985, chapter 44 is hereby declared to be approved in accordance with section 4 of that Act.

Effective July 16, 1986.

CHAPTER 109

H.P. 1636 - L.D. 2309

AN ACT to Require the Workers' Compensation
Commission to Study the Causes of
Delay and its Effects on the
Participants in the Workers'
Compensation System.

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

Whereas, delays in the current workers' compensation system have led to charges that workers are suffering severe financial and emotional harms due to unjustified delays; and

Whereas, there is a need to examine the causes of delay within the workers' compensation system, to identify the effects that these delays have on the workers involved in the system and to rectify any adverse consequences due to these delays as soon as possible; and

Whereas, it is desirable to provide the Workers' Compensation Commission with sufficient time to conduct its study and report back to the 113th Legislature; 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. Workers' Compensation Commission to conduct study. The Workers' Compensation Commission shall conduct a study regarding delays within the workers' compensation system and consequential human and financial harm suffered by injured workers and their families caused by the delay in receiving workers' compensation benefits.

A. The Workers' Compensation Commission shall undertake the study on an appropriate sample or samples of petitions for award in which:

- (1) Claimants prevailed; and
- (2) Claimants were disabled for 6 months or more.

B. The purpose of the study is to accomplish the following:

- (1) Determine the percentage of all petitions for award in which claimants prevailed;

(2) Ascertain the degree of compliance by employers and insurance carriers with provisions of the Maine Revised Statutes, Title 39, section 111-A, regarding the provisional payment of nonoccupational benefits;

(3) Ascertain and attempt to describe patterns of abuse for nonpayment and percentages for identified large carriers and large self-insurers compared to the averages detected in the survey;

(4) Consider other causes for delay in addition to intransigence of insurers, including questions of apportionment, change of insurance carriers, change to self-insurance status and such other matters as may assist the Legislature and the commission in understanding and correcting financial and emotional suffering and hardship to injured workers and their families caused by time consumed in the workers' compensation adjudication process;

(5) Consider internal administrative changes within the commission which may reduce back logs and delays; and

(6) Ascertain the severity and frequency of financial and emotional losses caused to injured workers and their families by delays in regard to loss of housing, motor vehicles or personal possessions and of family health insurance.

Sec. 2. Report to legislative committee. The chairman of the Workers' Compensation Commission shall report to the joint standing committee of the Legislature having jurisdiction over labor before January 1, 1987. This report shall include:

A. A description of the results of the study, including any relevant statistical data; and

B. Any suggested reforms or remedies which will help eliminate or minimize delay within the system and consequential human suffering.

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