MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

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1989

The request shall indicate that acceptable areas for research include the following: effects that alternative models of nursing have on nurse-to-patient ratios and staff mix; the impact of advances in medical technology on nurse staffing, level and mix; comparative studies of predominantly female professions and health professions, including nursing, to further the understanding of the factors influencing career decisions; examination of the direct and indirect effects of various payment strategies on the number, mix and compensation levels of nursing personnel in all health care settings; the effects of salary and benefit packages on nurse supplies and demand, as well as recruitment and retention; strategies for eliminating salary compression; other issues concerning recruitment and retention of health care professions, including, but not limited to, the image of nursing; the value of apprenticeship programs; and development of a methodology for determining the advantages and disadvantages of costing out nursing services.

See title page for effective date.

CHAPTER 580

H.P. 1176 - L.D. 1630

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System

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

Sec. 1. 39 MRSA §57-B, sub-§§1 and 2, as enacted by PL 1985, c. 372, Pt. A, §23, are amended to read:

1. Panel. The Apportionment Review Panel, as established by Title 5, chapter 379, shall be composed of 2 employee representatives, 2 employer or insurer representatives and one member representing medical ~~or rehabilitation~~ professionals.

A. The members shall be appointed by the Governor for terms of 3 years, except that initially one shall be appointed for a term of one year, 2 for terms of 2 years and 2 for terms of 3 years.

B. The Governor shall select one member to serve as ~~chairman~~ chair.

C. Members shall serve without compensation, except for reimbursement for travel and actual expenses necessarily incurred in performance of their duties.

D. If a matter with which a member has any connection comes before the panel, that member shall ~~excuse himself~~ be excused from hearing the matter.

E. The panel's recommendation must be by majority vote.

2. Payment for certain injuries. If an employee who has completed ~~an approved~~ a rehabilitation program under section 83, whether implementation is approved or ordered by the administrator, subsequently sustains a personal injury arising out of and in the course of employment and that injury, in combination with the prior injury, results in a reduction in earning capacity which is substantially greater in duration or degree, or both, than that which would have resulted from the subsequent injury alone, taking into account the age, education, employment opportunities and other factors related to the employee, the employer at the time of the subsequent injury is entitled to reimbursement from the Employment Rehabilitation Fund as provided in this section. An employer is not entitled to reimbursement from the fund in the event of subsequent injury if an injured employee returns to ~~his~~ the employee's preinjury job with the same employer without the provision of significant rehabilitation services or significant modification of the workplace.

Sec. 2. 39 MRSA §57-B, sub-§3, as amended by PL 1987, c. 560, §4, is further amended to read:

3. Reimbursement. The employer shall be reimbursed at least quarterly from the Employment Rehabilitation Fund for any weekly wage replacement benefits for which ~~he~~ the employer is liable under section 54-B, 55-B or 58-A, and which are paid by that employer.

A. An employer entitled to reimbursement under this section remains liable to the employee for all payments otherwise required from ~~him~~ the employer by this Act and remains responsible for carrying out the rehabilitation efforts required by ~~subchapter~~ III-A as a result of the subsequent injury.

B. A commissioner shall order a reduction, suspension or termination of reimbursement of an employer under this section if the commissioner finds that the employer has not made a bona fide effort to return the employee to continuing ~~gainful~~ suitable employment.

Sec. 3. 39 MRSA §57-B, sub-§6, as enacted by PL 1985, c. 372, Pt. A, §23, is amended to read:

6. Hiring incentive; wage credit. If an employer hires an employee after the employee has completed ~~an approved~~ a rehabilitation program under section 83, whether implementation is approved or ordered by the administrator, that subsequent employer may apply for a wage credit under this subsection. For the purposes of this subsection, the term "employer" does not include the insurer of a subsequent employer or the same employer for whom an employee worked when ~~he~~ the employee sustained the injury for which ~~he~~ the employee received rehabilitation.

A. The subsequent employer must file an application for a wage credit by providing the administrator, within 2 weeks after the close of the first 90 days of employment of the employee, with a statement of the total direct wages, earnings or salary ~~he~~ the employer paid to the employee for the first 90 days of employ-

ment along with such verification as may be required by rule of the commission. Within 2 weeks after the close of the first 180 days of employment, the subsequent employer must provide to the administrator a supplemental report of the direct wages, earnings and salary for the 2nd 90-day period, along with the required verification.

B. The administrator shall compute the wage credit which shall consist of a sum equal to 50% of the average weekly direct wages, earnings or salary for the 90-day period listed in the subsequent employer's application or statement, but not to exceed the amount of workers' compensation benefits which the employee did not receive because of the employment, but would have been entitled to for the wage credit period, based on the average weekly workers' compensation benefits during the most recent 60-day period in which ~~he~~ the employee did receive benefits preceding ~~his~~ the employee's hiring by the employer.

(1) On adequate verification of the application or statement, the administrator shall pay the amount for each 90-day period in a lump sum to the subsequent employer within 30 days of receiving the application or statement.

(2) The administrator shall bill these sums to the insurer or self-insurer that was responsible for payment of the compensation received by the employee immediately before ~~his~~ the employee's hiring by the subsequent employer. When the sum is received from the insurer or self-insurer, the administrator shall deposit it in the Employment Rehabilitation Fund.

C. If the employment with the subsequent employer is terminated by the employer without good cause before the completion of 12 consecutive months of employment, the subsequent employer shall return to the administrator all wage credits received by ~~him~~ the employer for that employee and all sums paid into the Employment Rehabilitation Fund by the insurer or self-insurer shall be returned to that insurer or self-insurer.

D. When the wage credit is paid from the fund to an employer, the insurer or self-insurer who paid the sum into the fund has no further obligation to pay any sums into the fund for any future reemployment of that employee, except as provided in paragraph E.

E. Wage credits shall apply to trial work periods with a subsequent employer under a rehabilitation plan.

(1) Total wage credit payments under a plan may not exceed a period of 180 days, not including periods subject to refunds under paragraph C.

(2) The commission shall inform subsequent employers of the number of days of wage credits available, if it is less than 180 days.

F. Wage credit payments are not dependent on the receipt by the fund of payments from an insurer or self-insurer.

Sec. 4. 39 MRSA §57-B, sub-§6-A is enacted to read:

6-A. Plan implementation costs; payment; reimbursement. The actual and direct costs of implementing plans ordered by the administrator under section 85, subsection 2-A, shall be paid from the fund. Payments shall be made directly to the rehabilitation providers or other persons who provide services under the plan. Upon an order of recovery of plan implementation costs under section 85, subsection 4-A, the administrator shall assess the employer who refused to agree to implement the plan under section 83, subsection 4, paragraph A, an amount equal to 180% of the costs paid from the fund under this subsection. An employer may appeal the imposition or amount of this assessment as provided in section 88. The employee shall not be a party to this appeal.

Sec. 5. 39 MRSA §57-B, sub-§§8 and 11, as enacted by PL 1985, c. 372, Pt. A, §23, are amended to read:

8. Legal representation. The Attorney General shall provide legal representation for any claim made under this section, including the enforcement of an assessment made under subsection 6-A or the defense of an employer's appeal of that assessment.

A. The reasonable expense of prosecution or defense by the Attorney General of assessments to or claims against the Employment Rehabilitation Fund shall, subject to the approval of the commission, be payable out of the Employment Rehabilitation Fund.

B. The Attorney General shall not prosecute an assessment against the State, nor shall defend the Employment Rehabilitation Fund against any claim brought by the State. The commission may hire, using money from the Employment Rehabilitation Fund, private counsel for this purpose.

11. Freedom from liability. The State is not liable for any claim against the Employment Rehabilitation Fund that is in excess of the fund's current ability to pay. If any ~~employer's~~ claim against the fund is denied due to an inadequate fund balance, that ~~employer's~~ claim is entitled to priority over later claims when an adequate balance is restored.

Sec. 6. 39 MRSA §82, sub-§3, ¶B, as enacted by PL 1985, c. 372, Pt. A, §29, is repealed and the following enacted in its place:

B. The administrator shall:

(1) Monitor the rehabilitation system established under this subchapter;

(2) Monitor individual cases where appropriate;

(3) Monitor all services provided to injured workers as provided in section 84-A;

(4) Encourage agreement and attempt to conciliate differences on rehabilitation issues; and

(5) Recommend to the chair that penalties be assessed in appropriate instances as provided under section 113.

Sec. 7. 39 MRSA §82, sub-§3, ¶C, as enacted by PL 1985, c. 372, Pt. A, §29, is amended to read:

C. The administrator shall approve agreements regarding rehabilitation if ~~he~~ the administrator finds that they are consistent with the purpose and requirements of this subchapter and the rules of the commission and shall order the implementation of plans only as provided in section 85, subsection 2-A.

Sec. 8. 39 MRSA §82, sub-§3, ¶H is enacted to read:

H. The administrator shall attempt to ensure the coordination of the rehabilitation system under this subchapter with appropriate job training programs conducted by the Department of Labor, including, without limitation, the Job Training Partnership Act and the Strategic Training for Accelerated Reemployment Program as provided in Title 26, chapter 25, and the Health Occupations Training Project as provided in Title 26, chapter 31. The Department of Labor shall cooperate with the administrator in implementing this paragraph. At a minimum, the administrator shall ensure that:

(1) Rehabilitation providers are aware of these job training programs and make appropriate use of the programs in the development of rehabilitation plans under this subchapter; and

(2) Attempts are made to educate and inform injured workers, who may not be eligible for rehabilitation under this subchapter but who are in need of reemployment assistance, of the availability of these programs and their potential eligibility to participate in the programs.

Sec. 9. 39 MRSA §83, sub-§§2 to 4, as enacted by PL 1985, c. 372, Pt. A, §29, are amended to read:

2. Evaluation of suitability. An evaluation of the suitability of rehabilitation for the employee shall be submitted to the administrator within 30 days after ~~the administrator makes~~ an order of evaluation is made or is deemed to have been made by the administrator under section 85, subsection 1.

A. The evaluation of suitability shall be done by a provider of rehabilitation services selected by the employee from the list of approved providers maintained by the administrator.

B. If the employer objects to the employee's selection, ~~he~~ the employer may request within 10 business days after notification of that selection that the administrator schedule a meeting within 10 business days between the employer, the employee and the administrator for the purpose of discussing which provider may be mutually acceptable.

C. The employee shall have the final decision on which approved provider shall be utilized.

D. The provider shall evaluate the employee's suitability for rehabilitation under this subchapter. No employee may be found to be suitable unless the following findings are made by the provider:

(1) The employee does not refuse to participate in the rehabilitation process;

(2) The employee's treating physician certifies that some reasonable assessment of the employee's residual functioning capacities can be made;

(3) The employee's former employer certifies that the employer is unlikely to return the employee to the employee's former employment position without rehabilitation services or the rehabilitation provider has made reasonable efforts to obtain this certification without response from the employer;

(4) The employee is unlikely to return to suitable employment without the provision of rehabilitation services; and

(5) No litigation is pending concerning the compensability of the employee's injury or benefits or compensation due to the employee under this Act.

An employee who is found not to be suitable for rehabilitation because of a failure to meet the criteria of subparagraph (2) or (5), may be reevaluated at a later date when those criteria can be met.

3. Development of plan. A rehabilitation plan shall be developed and submitted to the administrator within 60 days after ~~the administrator makes~~ an order of plan development is made or is deemed to have been made by the administrator under section 85, subsection 2.

A. The plan shall be developed by a provider of rehabilitation services selected by the employee from

the list of approved providers maintained by the administrator.

B. In developing any plan, consideration shall be given to the employee's qualifications, including, but not limited to:

(1) ~~His~~ The employee's work history, including the employee's prior earnings history;

(2) ~~His~~ The employee's interests;

(3) ~~His~~ The employee's aptitude;

(4) ~~His~~ The employee's education;

(5) ~~His~~ The employee's skills;

(6) ~~His~~ The employee's work life expectancy;

(7) The locality of employment; and

(8) The likelihood of reemployment.

C. A plan shall include a job placement strategy and a specific program of proposed actions designed and likely to achieve job placement for the employee.

(1) The plan development shall consider and the plan may include a provision for trial work periods not to exceed 3 months with the employer or subsequent employer.

(2) The administrator may approve trial work periods as part of a plan.

(3) The plan development shall consider and the plan may include a provision for participation in appropriate job training programs conducted by the Department of Labor, including, without limitation, the Job Training Partnership Act and the Strategic Training for Accelerated Reemployment Program as provided in Title 26, chapter 25, and the Health Occupations Training Project as provided in Title 26, chapter 31.

4. Implementation of plan. The administrator shall approve a plan if all parties agree on the plan and ~~he~~ the administrator finds it is consistent with the purpose and requirements of this subchapter and in the employee's best interests.

A. If the parties do not agree on a plan, an informal conference shall be held within 21 days after the submission of the rehabilitation plan under subsection 3, at which the administrator shall make every effort to encourage agreement and conciliate any differences or misunderstandings between the parties.

If the parties still do not agree on a plan at the informal conference held under this paragraph, either party may request that the administrator continue the informal conference to a date certain within 20 days. If the employer refuses to agree to the implementation of a plan at the conclusion of this informal conference, the employee may request that the administrator order the implementation of the plan as provided in section 85, subsection 2-A. This request must be made within 5 days of the informal conference.

B. All obligations under section 66-A are suspended during the implementation of the plan.

Sec. 10. 39 MRSA §84, sub-§3, as enacted by PL 1985, c. 372, Pt. A, §29, is repealed.

Sec. 11. 39 MRSA §85, as enacted by PL 1985, c. 372, Pt. A, §29, is amended to read:

§85. Orders

It is appropriate for the administrator to issue the following orders in the following circumstances.

1. Order of evaluation. When a compensable injury exists~~, and when the parties agree to an evaluation or~~ and the report required under section 83, subsection 1, indicates that the employee is not likely to return to ~~his~~ the employee's previous employment, the administrator shall order an evaluation of the suitability of rehabilitation for the employee. If the parties agree to an evaluation, the order is deemed to have been made by the administrator unless notice to the contrary is received by the parties within 14 days after written notice of the agreement is sent to the administrator.

2. Order of plan development. When the administrator finds that rehabilitation is suitable for the employee following the submission of an evaluation of suitability under section 83, subsection 2, ~~he~~ the administrator shall order the parties to develop a rehabilitation plan. This order is deemed to have been made by the administrator unless notice to the contrary is received by the parties within 14 days after an evaluation finding the employee to be suitable for rehabilitation is sent to the administrator.

2-A. Order of plan implementation. The administrator shall order the implementation of a rehabilitation plan only as provided in this subsection.

A. Upon receiving an employee's request for an order of plan implementation under section 83, subsection 4, paragraph A, the administrator shall determine whether the proposed plan complies with this subchapter and whether the plan is likely to return the injured employee to suitable employment at a reasonable cost of implementation.

(1) The chair shall adopt rules subject to section 92, subsection 1, providing standards for determinations made under this paragraph.

(2) In making a determination under this paragraph, the administrator shall consider the comments, arguments and evidence offered by both parties at the informal conference.

(3) The administrator may request that a rehabilitation provider provide the administrator with additional information necessary to make a determination under this paragraph. The rehabilitation provider's costs for these services are deemed to be plan implementation costs under paragraph C and are recoverable upon the order of the administrator under subsection 4-A.

B. If the administrator finds that the proposed plan otherwise complies with this subchapter and that the implementation of the proposed plan is likely to return the injured employee to suitable employment at a reasonable cost, the administrator shall order the implementation of the plan.

C. Implementation costs of a plan ordered under this subsection shall be paid from the Employment Rehabilitation Fund as provided in section 57-B, subsection 6-A.

D. The administrator's determination under this subsection is final. Neither party may appeal the determination of the administrator under this subsection. Notwithstanding Title 5, section 8003, the Maine Administrative Procedure Act, Title 5, chapter 375, does not apply to determinations made by the administrator under this subsection.

E. A petition for review brought during the pendency of a request for an order of plan implementation under section 83, subsection 4, paragraph A, is subject to section 100, subsection 3-A.

F. The administrator may order a trial work period as part of the implementation of any plan ordered under this subsection. If ordered by the administrator, the employer or insurer liable for payment of the employee's benefits or compensation under this Act is deemed to have agreed to a trial work period under section 100-A for the first 3 months of that employment.

3. Order of plan review or modification. Upon request of a party or the administrator, reports of an employee's progress under a rehabilitation plan shall be made by the provider of rehabilitation services to all the parties and the administrator. The administrator, upon request of any party or on ~~his~~ the administrator's own motion, may order the suspension, termination or modification of a plan upon a showing of good cause, including, but not limited to:

A. A changed physical condition which does not allow the employee to continue pursuing the rehabilitation plan;

B. The employee's performance level indicates ~~he~~ the employee cannot complete the plan successfully;

C. An employee does not cooperate with a plan;

D. A change in the economic conditions that existed when plan implementation began renders the plan unfeasible; or

E. The employer and employee agree on the proposed plan suspension, termination or modification.

4. Reinstatement of benefits. If the administrator orders the suspension or termination of a plan, ~~he~~ the administrator may also order the reinstatement of the employee's weekly benefits in the amount being paid prior to the commencement of the plan if that termination or suspension is for the reasons given under subsection 3, paragraph A, B, D or E.

4-A. Order of implementation costs recovery. If an injured employee returns to suitable employment after completing a rehabilitation plan ordered under subsection 2-A, the administrator shall order the employer who refused to agree to implement the plan to pay reimbursement to the Employment Rehabilitation Fund as provided in section 57-B, subsection 6-A.

A. As used in this subsection, "return to suitable employment" means that:

(1) The employee obtained employment in a position contemplated by the rehabilitation plan within 6 months after completing the rehabilitation program under this subchapter;

(2) The employee has been employed in a position or positions contemplated by the rehabilitation plan for at least 6 months out of the 12 months immediately following the employee's hiring; and

(3) Any period of unemployment during the 12-month period provided in subparagraph (2) was due to the discharge or layoff of the employee without good cause related to the employee's work performance.

5. Procedures. The administrator shall make any order under this subchapter within 30 days. Resolutions must be based on adequate information and arrived at in a summary manner.

A. The administrator is not to be bound by the Maine Rules of Evidence or the Maine Rules of Civil Procedure, except to the extent that may be provided in the commission's rules to protect the interests of the parties.

B. The order shall be filed in the office of the commission, and a copy of the order attested by the clerk of the commission mailed immediately to all

parties interested and to the attorney of record of each party.

C. The administrator shall, upon the request of a party made as a motion within 20 days after notice of the order, or may upon ~~his~~ the administrator's own motion find the facts specially and state separately ~~his~~ the conclusions of law thereon. Those findings and conclusions shall be filed in the office of the commission and a copy of the findings and conclusions shall be mailed immediately to all interested parties. This paragraph does not apply to an order of plan implementation issued under subsection 2-A.

D. The running of the time for appeal under section 88 is stopped by a timely motion made under this section. The full time for this appeal recommences on the receipt of notice of the filing of those findings, conclusions or revised order. This paragraph does not apply to an order of plan implementation issued under subsection 2-A.

Sec. 12. 39 MRSA §86, sub-§7, as amended by PL 1987, c. 779, §6, is further amended to read:

7. Career retraining. A goal-oriented period of formal training which is designed to lead to employment in another career field. Retraining may include education of the employee when appropriate.

Sec. 13. 39 MRSA §86-A, as enacted by PL 1987, c. 559, Pt. B, §38, is repealed.

Sec. 14. 39 MRSA §87, sub-§3, as enacted by PL 1985, c. 372, Pt. A, §29, is amended to read:

3. Notice of controversy. An employer who considers the costs of rehabilitation services, other than plan implementation costs ordered to be reimbursed under section 85, subsection 4-A, to be unreasonable may file a notice of controversy with the administrator for determination thereof.

Sec. 15. 39 MRSA §87, sub-§6, as enacted by PL 1985, c. 372, Pt. A, §29, is repealed.

Sec. 16. 39 MRSA §88, sub-§1, as enacted by PL 1985, c. 372, Pt. A, §29, is amended to read:

1. Procedure. ~~An~~ Except as provided in section 85, subsection 2-A, an appeal may be taken from an order of the administrator by filing a copy of the order, together with any papers in connection ~~therewith~~ with the order required by rule of the commission, with a single commissioner within 20 days after receipt of notice of the filing of the order. The failure of an appellant who timely notifies the commission of ~~his~~ the desire to appeal to provide a copy of the order appealed from does not affect the jurisdiction of the ~~division~~ commissioner to determine the appeal on its merits, unless the appellee shows substantial prejudice from that failure.

Sec. 17. 39 MRSA §88, sub-§4, as enacted by PL 1985, c. 372, Pt. A, §29, is amended to read:

4. Costs. Costs of appeal shall be allowed, including the record and reasonable ~~attorneys'~~ attorney's fees as provided for in section 110, except that an employee's costs of representation during a request for an order of plan implementation under section 83, subsection 4, paragraph A, are deemed to be costs of plan implementation for any employee whose request is granted by the administrator. These costs shall be paid from the Employment Rehabilitation Fund and are recoverable upon the order of the administrator under section 85, subsection 4-A. No attorney who represents an employee who prevails before the commission may recover any fee from that client for that representation if the attorney receives compensation for the representation from any other source as provided in this Act. Any attorney who violates this subsection shall lose ~~his~~ the attorney's fee and is liable in a court suit to pay damages to the client equal to 2 times the fee charged that client.

Sec. 18. 39 MRSA §90, sub-§1, as enacted by PL 1985, c. 372, Pt. A, §29, is amended to read:

1. Employees covered. The provisions of this subchapter apply only to employees injured after the effective date of this subchapter, unless otherwise agreed by the parties and approved by the administrator. ~~Notwithstanding any such agreement, the provisions of section 87, subsection 6, shall not be construed to permit reimbursement for any rehabilitation services provided prior to the effective date of this subchapter.~~

Sec. 19. 39 MRSA §90, sub-§3, as enacted by PL 1985, c. 372, Pt. A, §29, is repealed and the following enacted in its place:

3. Report to Legislature. The chair shall report to the First Regular Session of the 116th Legislature concerning the effectiveness of restoring injured workers to suitable employment through orders for plan implementation under section 85, subsection 2-A. This report shall include:

A. Statistics comparing the success rates of plans in which implementation is ordered by the administrator with plans which are agreed to by employers;

B. Statistics comparing the average implementation costs of plans in which implementation is ordered by the administrator with plans which are agreed to by employers;

C. Statistics comparing the types of rehabilitation services used and job placements achieved for plans in which implementation is ordered by the administrator with plans which are agreed to by employers;

D. Any perceptible effect that the ability of the administrator to order plan implementation has had upon the likelihood of employers agreeing to implement plans;

E. The methods employed to achieve coordination of the workers' compensation rehabilitation system with job training programs conducted by the Department of Labor and the effects of that coordination; and

F. Any other information that the chair considers appropriate.

Sec. 20. 39 MRSA §100-A, sub-§1, as enacted by PL 1985, c. 372, Pt. A, §39, is amended to read:

1. Restoration of benefits. That suspension shall cease and weekly compensation shall be restored in the amount being paid prior to the commencement of the trial work period immediately upon:

A. Termination of employment during the first trial work period; or

B. With the second or subsequent trial work period, the filing of a petition by the employee stating that ~~he~~ the employee has attempted a trial work period and was unable to adequately perform during the period.

The provisions on restoration also apply to a trial work period under section 83. A trial work period ordered under section 85, subsection 2-A, paragraph F, is deemed to be a first trial work period for the purposes of this subsection.

Sec. 21. Application. This Act applies to all employees injured on or after November 20, 1987, who have not had a rehabilitation plan developed under the Maine Revised Statutes, Title 39, section 83, subsection 3, as of the effective date of this Act.

Sec. 22. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
WORKERS' COMPENSATION COMMISSION		
Office of Employment Rehabilitation		
Positions	(3)	(3)
Personal Services	$42,044	$65,623
All Other	3,375	4,500
Capital Expenditures	5,512	
Provides funds for an Accountant I, Account Clerk II and a Clerk Typist II and related expenses to perform the auditing, payment, record keeping and accounting functions associated with rehabilitation bills.		
WORKERS' COMPENSATION COMMISSION TOTAL	$50,931	$70,123

See title page for effective date.

CHAPTER 581

H.P. 1269 - L.D. 1765

An Act Establishing the Affordable Housing Partnership Act of 1989

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

Sec. 1. 5 MRSA c. 383, sub-c. VII is enacted to read:

SUBCHAPTER VII

MAINE AFFORDABLE HOUSING ALLIANCE

§13116. Maine Affordable Housing Alliance established

There is established within the department the Maine Affordable Housing Alliance, known in this subchapter as "the housing alliance." The housing alliance shall assist municipalities in developing affordable housing under Title 30-A, chapter 202.

The commissioner shall appoint a director of the Maine Affordable Housing Alliance and provide staff for the housing alliance.

§13117. Coordination

The housing alliance, in implementing Title 30-A, chapter 202, shall consult with the Maine State Housing Authority and the Interagency Task Force on Homelessness and Housing Opportunities, as established in chapter 202, in order to make the best use of resources and to create the greatest impact on the affordable housing crisis.

§13118. Advisory committee created

The Affordable Housing Alliance Advisory Committee shall serve as an advisory group to the commissioner with respect to the implementation of Title 30-A, chapter 202.

1. Membership. The Affordable Housing Alliance Advisory Committee shall have broad geographic representation and consist of 15 members representing both the public and private sectors, including housing developers, bankers, real estate professionals and elected or appointed municipal officials to be appointed as follows.

A. Nine members shall be appointed by the Governor to serve 3-year terms, except that 3 of the initial appointees shall be appointed for terms of 2 years, and 3 shall be appointed for terms of one year. All members shall serve until their successors are appointed and qualified. Vacancies occurring in positions appointed by the Governor shall be filled by appointment by the Governor for the remainder of the term.

B. Five members shall be appointed jointly by the President of the Senate and the Speaker of the House