

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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the primary processes of mining, logging, sawmilling, farming or manufacturing.

See title page for effective date.

## CHAPTER 145

H.P. 1034 - L.D. 1386

### An Act to Clarify the Financial Authority of the Workers' Compensation Board

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

**Whereas,** the need for reform of the state workers' compensation system is widely recognized; and

**Whereas,** the new Workers' Compensation Board has been appointed and is implementing the Maine Workers' Compensation Act of 1992, effective on January 1, 1993; and

**Whereas,** the board is proposing certain technical and administrative changes to the Act that are necessary to effectively implement the intent of the new laws; and

**Whereas,** immediate implementation of workers' compensation reform legislation is necessary to protect the interests of injured workers, businesses and insurers; 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. 2 MRSA §6-E** is enacted to read:

**§6-E. Salaries of certain employees of the Workers' Compensation Board**

Notwithstanding any other provision of law, the salaries of the following employees of the Workers' Compensation Board are established by the Workers' Compensation Board and must be within the salary ranges indicated in this section.

**1. Executive director.** The salary of the executive director is within salary range 91.

**2. General counsel.** The salary of the general counsel is within salary range 86.

**3. Deputy general counsel.** The salary of the deputy general counsel is within salary range 85.

**4. Assistants to the general counsel.** The salary of the assistants to the general counsel is within salary range 82.

**5. Deputy directors.** The salary of the deputy directors is within the following salary ranges:

A. Deputy director of medical and rehabilitation, salary range 82;

B. Deputy director of business services, salary range 82;

C. Deputy director of benefits administration, salary range 82; and

D. Deputy director of dispute resolution, salary range 82.

**6. Hearing officers.** The salary of the hearing officers is within salary range 90.

**7. Mediators.** The salary of the mediators is within salary range 80.

**Sec. 2. 5 MRSA §958** is enacted to read:

**§958. Workers' Compensation Board**

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

A. Executive director;

B. General counsel; and

C. Deputy directors.

**Sec. 3. 39-A MRSA §152, sub-§14** is enacted to read:

**14. Reimbursement.** The board shall impose reasonable charges for reimbursement for the provision of services, facilities and materials, including, but not limited to, reproduction and distribution of forms, reports and publications, photocopying and the use of facilities.

**Sec. 4. 39-A MRSA §154, sub-§§5 and 6,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

**5. Amounts of premiums and losses.** The Bureau of Insurance shall provide to the board the amounts of gross direct workers' compensation premiums written by each insurance carrier and the amounts of aggregate benefits paid by each self-insurer and group self-insurer on or before ~~August 1st~~ April 1st of each year.

**6. Assessment levied.** The assessments levied under this section may not produce more than \$6,000,000

The board shall determine the assessments prior to ~~March 1st~~ May 1st and shall assess each insurance company or association and self-insured employer its pro rata share for expenditures during the fiscal year beginning July 1st. Each insurance company or association and self-insured employer shall pay the assessment on or before June 1st.

**Sec. 5. 39-A MRSA §154, sub-§§10 and 11** are enacted to read:

**10. Deposit of funds in Workers' Compensation Board Administrative Fund.** The Treasurer of State shall deposit in the Workers' Compensation Board Administrative Fund funds collected pursuant to section 152, subsection 14.

**11. Assessment errors.** The board may correct an error in the assessment levied pursuant to subsection 6 by means of a credit or debit to the assessment of the following year.

**Sec. 6. 39-A MRSA §361** is enacted to read:

**§361. Payment to the Workers' Compensation Board Administrative Fund**

All penalties assessed under this Act are payable to the Workers' Compensation Board Administrative Fund, unless otherwise provided by law. Upon certification by the board that certain amounts in the Workers' Compensation Board Administrative Fund attributable to penalties assessed pursuant to this Act are not required to support the activities of the board, the Treasurer of State shall transfer funds in the amount certified by the board to the General Fund.

**Sec. 7. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
<b>WORKERS' COMPENSATION BOARD</b>		
<b>Workers' Compensation Board</b>		
Personal Services	\$160,216	\$370,173
Provides allocations of funds to meet salaries pursuant to section 1 of this Act to enable the board to set the salaries of the Executive Director and Hearing Officers positions.		
<b>WORKERS' COMPENSATION BOARD TOTAL</b>	<u>\$160,216</u>	<u>\$370,173</u>

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

Effective May 19, 1993.

**CHAPTER 146**

**H.P. 194 - L.D. 257**

**An Act to Amend the Laws Governing the Task Force on Defense Realignment and the Economy**

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

**Whereas,** the Task Force on Defense Realignment and the Economy was established to develop, implement and coordinate long-term strategies for economic growth in order to achieve and maintain economic prosperity into the 21st century; and

**Whereas,** this Act provides for additional time to ensure that the goals of the task force are met and allows for closer monitoring of federal funds; and

**Whereas,** in order to provide maximum benefit to the State's economy, these programs and activities need to be initiated before the expiration of the 90-day period; 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 §3307-E, sub-§4,** as enacted by PL 1991, c. 854, Pt. B, §1, is amended to read:

**4. Duties.** The task force shall perform the following duties:

A. Prepare a statewide strategy and implementation plan to assist the State and its defense-dependent industries, workers and communities to reduce defense dependency by shifting from military to civilian enterprises while retaining a stable industrial and commercial base, high employment and wages and diverse state, regional and local economies. A strategic plan and recommendations for implementation must be submitted to the Governor and the joint standing committee of the Leg-