

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a provisionally adopted major substantive rule of the Department of Education, State Board of Education, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

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

Effective June 5, 2001.

CHAPTER 49

S.P. 77 - L.D. 297

Resolve, Authorizing a Study of the Governance and Administrative Structure of the Workers' Compensation System and Authorizing One-time Uses of the Workers' Compensation Board Reserve Account

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 workers' compensation system in Maine is facing a number of budgetary and administrative issues; and

Whereas, this legislation seeks to provide one-time allocations from the Workers' Compensation Board reserve account and to direct the Department of Administrative and Financial Services to administer a study of the governance and administrative structure of the State's workers' compensation system; and

Whereas, this legislation requires the results of that study to be reported to the Legislature and to the

Workers' Compensation Board by December 15, 2001; 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. Authorization of study of the governance and administrative structure of the State's workers' compensation system.

Resolved: That the Department of Administrative and Financial Services shall administer a feasibility study, in consultation with the advisory committee established in this resolve, of the governance and administrative structure of the State's workers' compensation system to determine if greater efficiencies may be gained in the operational structure and processes of the Workers' Compensation Board and the advantages and disadvantages, if any, of a closer alignment of the Workers' Compensation Board with other agencies in State Government; and be it further

Sec. 2. Factors to be considered. Resolved: That the study must include consideration of the following factors:

1. Underlying policy considerations in the Maine Workers' Compensation Act of 1992 that led to the creation of the current governance structure;
2. The need for independence in the quasi-judicial functions of the workers' compensation system;
3. The 1997 Coopers and Lybrand business assessment and the progress made in implementing its recommendations;
4. The effect of the existing governance system and its progress to date on the operation of the workers' compensation system and alternative models for structuring the governance system;
5. The forms of governance and administration used by other states;
6. The existence of resources and programs in other areas of State Government that could be more closely aligned with the workers' compensation system to achieve greater capacity and to facilitate continued progress;
7. Whether overall safety efforts can be improved through affiliation of workers' compensation safety initiatives with other state safety-related programs;

8. The effectiveness and adequacy of the current assessment and budgeting mechanisms, with particular attention to the adequacy of the monitoring and enforcement function; and

9. Methods to improve short- and long-range fiscal stability and predictability of the revenue stream; and be it further

Sec. 3. Authority to contract. Resolved: That the Department of Administrative and Financial Services may administer the study established in this resolve and may enter into contracts with consultants for the performance of that study. After consultation with the advisory committee established in this resolve, the Department of Administrative and Financial Services shall determine the nature and extent of the contractual services necessary for the completion of the study in accordance with this resolve and shall prepare and administer all contracts pursuant to those determinations in accordance with the Maine Revised Statutes, Title 5, chapter 155; and be it further

Sec. 4. Advisory committee established. Resolved: That the study established in this resolve must be administered in consultation with an advisory committee, consisting of 10 members, as follows:

1. Four members of the Joint Standing Committee on Labor, appointed jointly by the Senate Chair and the House Chair, with the membership reflecting an equal balance with respect to political party affiliation;
2. The Executive Director of the Workers' Compensation Board or the executive director's designee;
3. One labor representative from the Workers' Compensation Board, appointed by the Workers' Compensation Board;
4. One management representative from the Workers' Compensation Board, appointed by the Workers' Compensation Board;
5. The Commissioner of Labor or the commissioner's designee;
6. The Commissioner of Professional and Financial Regulation or the commissioner's designee; and
7. One representative from the Office of the Governor, appointed by the Governor; and be it further

Sec. 5. Reporting. Resolved: That the Department of Administrative and Financial Services shall report its findings, including any proposed implementation plan or legislation, to the Legislature and the Workers' Compensation Board by December 15, 2001. The Joint Standing Committee on Labor

may report out any recommended legislation relating to the department's report to the Second Regular Session of the 120th Legislature; and be it further

Sec. 6. Authorization to use reserve account to fund study. Resolved: That the Workers' Compensation Board shall transfer \$125,000 from the reserve account created pursuant to the Maine Revised Statutes, Title 39-A, section 154, subsection 6 to the Department of Administrative and Financial Services to fund the study provided for in this resolve. The Department of Administrative and Financial Services shall transfer funds from the authorized amount to the Legislature to reimburse the Legislature for its payment of per diem and expenses for Legislators who serve on the advisory committee created in section 4 of this resolve. The Department of Administrative and Financial Services shall transfer all funds not spent or encumbered for the study by January 1, 2002 to the Workers' Compensation Board for deposit in the reserve account. This is a one-time authorization and does not apply to any ongoing use of the reserve account for these purposes; and be it further

Sec. 7. Authorization to use reserve account for fiscal year 2001-2002 expenses. Resolved: That the Workers' Compensation Board is authorized to spend up to \$700,000 from its reserve account created pursuant to the Maine Revised Statutes, Title 39-A, section 154, subsection 6 for current services expenses in fiscal year 2001-2002, including reclassification of 4 positions approved by the Department of Administrative and Financial Services, Bureau of Human Resources. This is a one-time authorization and does not apply to any ongoing use of the reserve account for these purposes; and be it further

Sec. 8. Allocation. Resolved: That the following funds are allocated from Other Special Revenue funds to carry out the purposes of this resolve.

2001-02

WORKERS' COMPENSATION BOARD

Administration - Workers' Compensation Board

Personal Services	\$451,034
All Other	230,483
TOTAL	\$681,517

Provides funds from the workers' compensation reserve

account for current services expenses.

Administration - Workers' Compensation Board

Personal Services \$18,483

Provides funds from the workers' compensation reserve account for the approved position reclassifications of 2 Clerk Typist III (pay range 12) to Legal Secretary (pay range 13), one Legal Secretary to Clerk IV (pay range 15) and one Administrative Secretary (pay range 16) to Administrative Assistant (pay range 20).

WORKERS' COMPENSATION BOARD
TOTAL \$700,000

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Miscellaneous Acts and Resolves

All Other \$122,480

Provides funds via a transfer from the workers' compensation reserve account to pay for a study of the governance and organizational structure of the State's workers' compensation system.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
TOTAL \$122,480

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Study Commissions - Funding

Personal Services \$1,320
 All Other 1,200

Provides funds via a transfer from the Department of Administrative and Financial Services from funds received from the workers' compensation reserve account

for the per diem and expenses of legislative members of the advisory committee for the feasibility study related to the State's workers' compensation system.

LEGISLATURE
TOTAL \$2,520

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

Effective June 8, 2001.

CHAPTER 50

H.P. 725 - L.D. 945

Resolve, to Establish a Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools

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

Whereas, this resolve establishes the Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools; and

Whereas, this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the task force; 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. Task force established. Resolved: That the Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools, referred to in this resolve as the "task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 4 members appointed as follows:

1. One representative of the Department of Education, appointed by the Commissioner of Education,