

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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

Augusta, Maine
2024

90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a 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 portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 12, 2024.

CHAPTER 139

S.P. 767 - L.D. 1896

Resolve, Directing the Workers' Compensation Board to Analyze Data on the Adequacy of Certain Maine Workers' Compensation Benefits

Sec. 1. Workers' Compensation Board to identify and conduct an analysis of claims and payments. Resolved: That the Workers' Compensation Board, referred to in this resolve as "the board," using data supplied by insurers, 3rd-party administrators, group self-insurers and individual self-insured employers, shall identify and analyze the compensation and benefits provided to an individual claimant pursuant to the Maine Revised Statutes, Title 39-A, section 212 for total incapacity, section 213 for partial incapacity and section 215 for death and any other relevant data and available reports. For each claimant, the analysis must include, but is not limited to, data and reports relating to the following components:

1. The claim identification number assigned by the board;
2. The claim identification number assigned by the insurer, 3rd-party administrator, group self-insurer or individual self-insured employer;
3. The date of injury;
4. The average weekly wage;
5. The compensation rate;
6. For a claimant pursuant to Title 39-A, section 212, the number of weeks of compensation and benefits paid;
7. For a claimant pursuant to Title 39-A, section 213, the number of weeks of compensation and benefits paid and the number of weeks for which the benefit was 100% partial;
8. For a claimant pursuant to Title 39-A, section 215, the number of weeks of compensation and benefits paid;
9. The date the last payment was made and whether payments are continuing;
10. The total amount of indemnity benefits paid; and
11. Any other information the board determines necessary to complete the analysis.

In analyzing each data component, the board shall consider the accuracy of the data available; how the benefit amount compares to the current cost of living as determined by the United States Department of Labor, Bureau of Labor Statistics CPI-U for the New England Division; the cost of updating the annual adjustment provision in Title 39-A, section 212; and the cost of implementing a cost-of-living adjustment provision in sections 213 and 215.

Sec. 2. Updates; report; legislation. Resolved: That the board, within existing resources, shall provide monthly updates to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters on the identification of data and reports and the analysis conducted under section 1. No later than August 16, 2025, the board shall submit a final report to the committee with its findings, recommendations and suggested legislation. The report must include:

1. A thorough analysis of the data and reports that were considered, identification of data or other areas that require further study and recommendations on any changes or adjustments to workers' compensation benefits in order to ensure claimants are receiving adequate benefits;
2. A thorough analysis of whether the Maine Workers' Compensation Act of 1992 provides substantial protection for workers who have suffered work-related

injuries and diseases at an affordable cost to employers, including whether the workers' compensation system can provide the income support that injured workers require as a result of their injuries at a cost no greater than the median cost in other states; and

3. Information regarding the retroactive application of workers' compensation legislation based on the analysis under this resolve and an evaluation of the costs of potential retroactive application.

The committee may report out legislation to the 132nd Legislature in 2026 related to the subject matter of the report.

See title page for effective date.

**CHAPTER 140
S.P. 924 - L.D. 2173**

**Resolve, to Rename the
Interstate 295 Interchange in
the Town of Freeport the
Matthew MacMillan Bridge**

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

Whereas, Resolve 2023, chapter 1 named an overpass in the Town of Freeport for Matthew MacMillan; and

Whereas, the incorrect structure was named after Matthew MacMillan and this legislation corrects that erroneous designation; and

Whereas, it is imperative that this legislation take effect as soon as possible in order to timely expedite the renaming process; 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. Resolve 2023, c. 1, §1. Resolved: That Resolve 2023, c. 1, §1 is amended to read:

Sec. 1. ~~Overpass Interchange in Freeport~~ renamed. Resolved: That the Department of Transportation shall designate Bridge ~~5741~~ 5720 on Desert Road in the Town of Freeport, which is currently known as the ~~Desert of Maine Overpass Merrill Road Interchange~~, the Matthew MacMillan ~~Overpass~~ Bridge.

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to June 29, 2023.

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

Effective March 14, 2024.

**CHAPTER 141
H.P. 1396 - L.D. 2181**

**Resolve, Regarding Legislative
Review of Portions of Chapter
61: State Board of Education
Rules for Major Capital School
Construction Projects, a Major
Substantive Rule of the
Department of Education,
State Board of Education**

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a 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 portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, 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 2-A, is authorized.

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

Effective March 14, 2024.