

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
OFFICE OF LEGISLATIVE ASSISTANTS  
STATE HOUSE  
AUGUSTA, MAINE 04333

December 29, 1977

Rep. John L. Martin, Chairman  
Legislative Council  
c/o Speakers Office  
State House  
Augusta, Maine 04333

Dear Representative Martin:

In accordance with SP 598, which ordered a study of the Workmen's Compensation System, we enclose herein the final report of the Select Committee on Workmen's Compensation.

Respectfully submitted,

*Sen. Richard D. Hewes*

Senator Richard D. Hewes  
Co-Chairman

*Rep. James E. Tierney*

Representative James E. Tierney  
Co-Chairman





STATE OF MAINE  
OFFICE OF LEGISLATIVE ASSISTANTS  
STATE HOUSE  
AUGUSTA, MAINE 04333

Rep. David W. Bustin  
Benjamin J. Dorskey  
Robert W. Flynn

Sen. Richard D. Hewes  
John V. Keaney  
Sen. Andrew J. Redman  
Rep. James E. Tierney

THE REPORT  
OF THE SELECT COMMITTEE  
ON WORKMEN'S COMPENSATION

Legislative Assistants  
James A. McKenna  
Thomas P. Downing



THE REPORT  
OF THE SELECT COMMITTEE  
ON WORKMEN'S COMPENSATION

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THE REPORT  
OF THE SELECT COMMITTEE ON WORKMEN'S COMPENSATION

I  
INTRODUCTION

1. Administrative reform rather than revision of benefit levels. Under Senate Paper 598 (see Appendix A), the Select Committee on Workmen's Compensation was authorized to investigate how the efficiency and equity of the Maine Workmen's Compensation system could be improved. Early in its deliberations, the committee decided to limit its suggestions to the system's administrative procedures. This was done for two reasons. First, the committee felt that the more substantive questions of benefit levels and employer and employee rights and duties should be left to a future, more ambitious study of the compensation system; and, secondly, the committee felt that the Industrial Accident Commission's (IAC) great increase in compensation cases necessitated, before any more general reforms could be considered, immediate revision in the IAC's administrative structure and procedures.

2. Industrial Accident Commission's (IAC) ever larger workload. As the coverage of the workmen's compensation system has expanded, and injured workers have become more knowledgeable of their rights, the administrative burdens of the Industrial Accident Commission (IAC) have increased at an alarming pace. This has resulted not only in sorely pressed commissioners and staff, but more importantly, in the progressively slower delivery of compensation to Maine's injured workers.

The committee received extensive evidence of this dramatically



growing workload of the IAC. The IAC Commissioners, which are considered to be only part-time state employees, described their increasingly hectic schedules of 40-45 hours work a week, case-loads of more than 350, 60 to 70 decrees waiting to be written.<sup>1/</sup> Practitioners before the Commission (representing employer and employee alike) sharply questioned the increasing slowness of Commission actions. The backlog of agreements needing approval is 800 and growing. A member of the insurance industry identified as the "first and foremost problem" the length of time it takes to get a decree rendered: "approximately 8 to 12 months from the date of a petition is filed until a decree is rendered and in many cases even longer." While this delay cannot be attributed only to the continuing crush of cases (often delays are caused by attorneys requesting continuances, the unavailability of doctors to testify, or complex issues which demand legal briefs be written), it does indicate the growing pressure on commissioners. And nowhere was the IAC's burgeoning workload better illustrated to the committee than in a statistical analysis of the last two decades:

	3 Part time Commissioners		4 Part time Commissioners		
	1960	1970	1973	1975	1976
First reports	27,038	30,866	33,655	34,235	42,364
Agreements	4,146	4,598	5,755	8,052	11,217
Petitions	1,808	1,563	1,937	2,115	2,443
Hearings held	1,810	2,779	3,189	3,870	4,390

1/ Standing of Commissioner's cases as of December 2, 1977:

Total number of cases for which a hearing has not yet been held:	1189		
Continued cases (had an initial hearing but continued until next scheduled hearing date:	614		
Cases being held (have had an initial hearing but are being held indefinitely):	165		
	<u>Total Cases</u>	<u>Cases Continued</u>	<u>Cases being Held</u>
Chair. Keaney	210	115	89
Comm. Perkins	200	101	29
Comm. Limberis	389	279	28
Comm. Coyne	390	119	19

II  
REORGANIZATION  
OF THE INDUSTRIAL ACCIDENT COMMISSION

1. IAC structural reorganization

A. IAC future goals. The committee concludes that the next 4 or 5 years must be a period of transition for the IAC administration. Eventually, the IAC must consist of full-time commissioners, a chairman with greater administrative responsibilities, and a support system that would make available hearing officers and active-retired commissioners as the need arose. But for present, immediate needs, the committee recommends a more limited structural reorganization.

B. IAC immediate needs. The committee concludes that if the IAC is going to be able to meet even its minimal responsibilities in the workmen's compensation system, then the following changes must be made immediately:

(1) The IAC commissioners, each of which is a part-time state employee, must be given greater salaries to properly compensate them for the increased demands of their jobs

(2) Two additional part-time commissioners (and clerks to assist them) must be hired

(3) Two additional court reporters must be hired to assist the current reporter and the reporter's position must be made the equivalent of the a reporter for the Superior Court. The need for additional court reporters cannot be emphasized too much. Currently, there is only one reporter for four commissioners. If he is sick or forced to take a day off, no hearings can be held, no benefits can be awarded.

(4) The responsibility of approving compensation agreements must be moved from the Department of Labor to the IAC and assistance be hired to speed approvals. Currently, there is a growing backlog (approximately 800) of compensation agreements which must be approved before benefits can be paid.

See Appendix B for the necessary legislation.

These crucial structural changes would result in an increased appropriation of approximately \$144,000. Specifically:

<u>Personal services</u>	1978-79
2 Clerk Typist II	\$13,728
2 Clerk Typist III	\$15,640
1 Clerk III	\$ 7,820
2 Court Reporters	\$28,208
Increase salary for 3 Commissioners	\$12,000
Increase salary for Chairman	\$ 4,000
Two additional Commissioners	\$37,800
Plus, retirement at 12.23%	<u>\$14,569</u>
	\$133,690
<u>All other</u>	
Hospital insurance	\$ 3,520
General Operating	\$ 4,000
Travel	<u>\$ 3,000</u>
	\$10,520

C. Cost of IAC structural reforms. While the above changes are not inexpensive, the committee wishes to emphasize that the workmen's compensation system produces approximately three times as much General Fund revenues as it spends administratively. Employers must pay a state tax on insurance premiums and last year, 1976, the General Fund received \$903,040 in revenues yet the IAC administrative costs were only \$253,250. And this is the same pattern historically:

	<u>Premium tax paid to the General Fund</u>	<u>IAC General Fund Appropriation</u>
1974	\$597,653	\$244,444
1975	\$796,644	\$254,580
1976	\$903,040	\$253,250

And it must be emphasized again that this relatively small IAC expenditure is proving more and more unable to cope with the greatly escalating burdens forced on the IAC. Indeed, there would seem to be a serious injustice done to workers and employers alike if the IAC is forced to unnecessarily delay crucially needed benefits to injured workers while at the same time the State realizes a General Fund profit of more than \$3 for every \$1 it sees fit to spend on the system that administers these benefits.

D. IAC independence. The possibility has recently been raised of a general reorganization of state government. The committee feels strongly that the quasi-judicial nature of the IAC necessitates that it maintain its current status as an independent agency.

2. IAC Administrative reorganization.

A. Office expenses of the commissioners. Currently, all IAC commissioners are part-time state employees. Much of their work, such as writing decrees, is done in their private law offices, utilizing their own office staff and equipment. This is a significant and unwarranted expense for a part-time State employee. The committee recommends that each commissioner and the IAC central office be equipped with dictation recorders so that commissioners can tape their decrees and forward them to Augusta to be transcribed. See Appendix B for the necessary appropriation.

B. Importance of statistics. The committee strongly endorses the Bureau of Labor's efforts to compile statistics on worker injury. Such information will assist in the prevention of future accidents. See Appendix C for legislation that will assist the Bureau of Labor in its efforts.

C. Hearing sites. The committee investigated IAC hearing sites and successfully enlisted the assistance of Maine hospitals in providing more convenient hearing sites. See Appendix D.

D. Findings of fact. The committee recommends that commissioners be given the option of not filing a written findings of fact and rulings of law. However, if a party requests a written decree, the committee recommends that the commissioner must comply. Such an option might decrease the time commissioners need to spend handing down each decree. The IAC would adhere to the civil rules of procedure that currently direct Maine judicial decisions. See Appendix E for the necessary legislation.

E. Notice to parties. The committee recommends that the IAC simplify its notice procedures by sending notice only to the attorneys of the parties and not also to the parties themselves. If a party does not have an attorney of record, then he would receive notice directly from the IAC. This recommendation will stop notice duplication and decrease the IAC's mailing expenses. See Appendix F for suggested legislation.

F. IAC exemption from the Administrative Procedure Act (APA). The Committee recommends that the IAC be exempt from the newly enacted Administrative Procedure Act (APA). The main reason for this conclusion is our conviction that the procedural rights of all IAC parties are well protected. Not only are IAC actions conducted in a quasi-judicial manner (see 39 MRSA §93) but approximately 95% of the parties are represented by attorneys in proceedings before the IAC (see 39 MRSA §110). See Appendix G for necessary legislation.

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# STATE OF MAINE

APPENDIX A

In Senate July 8, 1977

~~Ordered~~  
~~Ordered~~

Whereas, the Maine Workmen's Compensation Act is in need of a thorough evaluation so as to insure that the rights of all parties are properly recognized; and

Whereas, the heavily burdened Industrial Accident Commission needs an equally thorough evaluation to determine how the Workmen's Compensation Act can be most effectively administered; now, therefore, be it

Ordered, the House concurring, that a Select Committee on Workmen's Compensation be authorized to study how the Workmen's Compensation Act and the Industrial Accident Commission can more efficiently and equitably protect the rights of all concerned parties; and be it further

Ordered, that the Speaker of the House of Representatives and the President of the Senate appoint, prior to August 1, 1977, the members of the Select Committee on Workmen's Compensation. These members shall include at least:

1. Two members of the Senate;
2. Two members of the House of Representatives;
3. One representative each of labor and management; and
4. The Chairman of the Industrial Accident Commission; and be it

further

Ordered, that members of the select committee who are not Legislators

A DE B.

shall receive the same compensation as do legislative members;  
and be it further

Ordered, that sufficient funds shall be available to properly  
reproduce and distribute this study; and be it further

Ordered, that the select committee shall complete this study  
no later than December 1, 1977, and submit to the Legislative  
Council within the same time period its findings and  
recommendations, including copies of any recommended legislation  
in final draft form; and be it further

Ordered, upon passage in concurrence, that a suitable copy  
of this Order shall be forwarded to members of the committee.

*and* IN SENATE CHAMBER *Row*  
TABLED BY SEN. ~~SEN. SPEERS~~  
OF ~~OF KENNEBEC~~

JUL 8 1977

PENDING *Passage*  
MAY E. ROSS, Secretary

IN SENATE  
TAKEN FROM TABLE ON MOTION  
BY SEN. SPEERS  
OF KENNEBEC ON FURTHER

JUL 11 1977

MOTION BY ~~SEN. SPEERS~~  
INDEFINITELY POSTPONED  
~~SEN. SPEERS~~  
~~OF KENNEBEC~~

*Carol McNally*  
(McNally)

NAME:

COUNTY: Hancock

SP 598

AN ACT to Improve the Administration of the Industrial Acci-  
dent Commission.

Sec. 1. 2 MRSA § 7, sub-§ 2, as last amended by PL 1975,  
c. 147, is amended to read as follows:

2. Regulatory boards. Notwithstanding section 6 or any  
other provision of law, the salaries of the listed chairmen and  
of members of the following boards shall be:

Employment Security Commission		
Members other than Chairman.....	\$ 24,475	
Industrial Accident Commission		
Chairman.....	<del>\$-20,475</del>	\$24,475
Members <del>other than chairman</del> <u>with more than</u> <u>4 years experience</u> .....	<del>\$-18,900</del>	\$22,900
All other Commissioners.....		<u>\$18,900</u>
Public Utilities Commission		
Chairman.....	\$ 22,050	
Members other than Chairman.....	\$ 18,900	

Sec. 2. 39 MRSA § 91, 1st sentence, as enacted by PL 1975,  
c. 771, is amended to read as follows:

The Industrial Accident Commission, as heretofore established,  
shall consist of 6 8 members, 4 6 of whom shall be men persons  
learned in the law and members in good standing of the bar of this  
State.

Sec. 3. 38 MRSA § 94, 1st sentence, is amended to read as follows:

If following an injury the employer and the employee reach an  
agreement in regard to compensation under this Act, a memorandum of  
such agreement signed by the parties shall be filed in the office  
of the commission. If the ~~Director of the Bureau of Labor~~ commission  
finds that such agreement is in conformity with the Act, he it  
shall approve the same.

Sec. 4. 39 MRSA § 101, 1st sentence, is amended to read as follows:

If after any petition, except for lump sum settlement under  
section 71, has been filed the parties themselves reach an agree-  
ment as to payment of compensation, the memorandum of which is ap-  
proved by the ~~Director of the Bureau of Labor~~ commission, or as to  
payment of medical benefits under section 52, the pending petition  
shall thereupon be dismissed by the commission.

Sec. 5. 39 MRSA § 102, 1st sentence, is amended to read as follows:

Upon the petition of either party at any time the commission  
may annul any agreement which has been approved ~~by the Director of~~  
~~the Bureau of Labor~~ by the commission provided it finds that such  
agreement was entered into through mistake of fact by said petitioner  
or through fraud.



Sec. 6 . 39 MRSA §103, 1st ¶, as enacted by PL 1973, c. 788, §235, is amended to read as follows:

Any party in interest may present copies, certified by the clerk of the commission, of any order or decision of the commission or of any commissioner, or of any memorandum of agreement approved by the ~~Director-of-the-Bureau-of-Labor~~ commission, together with all papers in connection therewith, to the clerk of courts for the county in which the injury occurred; or if the injury occurred without the State, to the clerk of courts for the County of Kennebec. Whereupon any Justice of the Superior Court shall render a pro forma decree in accordance therewith and cause all interested parties to be notified. Such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in an action in which equitable relief is sought, duly heard and determined by said court, except that there shall be no appeal therefrom upon questions of fact found by said commission or by any commissioner, or where the decree is based upon a memorandum of agreement approved by the ~~Director-of-the-Bureau-of-Labor-~~ commission.

Sec. 7 . 39 MRSA §104, as enacted by PL 1961, c. 317, §67, is amended to read as follows:

Any pro forma decree rendered under section 103 shall be enforceable by the Superior Court by any suitable process including execution against the goods, chattels and real estate, and including proceedings for contempt for willful failure or neglect to obey the orders or decrees of the court, or in any other manner that decrees for equitable relief may be enforced. Upon the presentation to it of a certified copy of any subsequent order or decision of the commission or of any commissioner increasing, diminishing, terminating or commuting to a lump sum any payments of compensation on account of said injury, or of any agreement for modification of such compensation approved by the ~~Director-of-the-Bureau-of-Labor~~ commission, the court shall revoke or modify any such pro forma decree based upon such prior order or decision of the commission or of any commissioner, or upon any agreement so approved, to conform to such subsequent order or decision or such approved agreement.

Sec. 8 . APPROPRIATION. Funds shall be appropriated from the General Fund as follows to carry out the purposes of this Act:

	<u>1978-79</u>
INDEPENDENT AGENCIES-REGULATORY	
Industrial Accident Commission	
Positions	(10)
Personal Service	143,635
All Other	10,520
Capital	<u>4,650</u>

DEPARTMENT OF MANPOWER AFFAIRS  
 Bureau of Labor-Administration  
 Positions  
 Personal Services

(-1)  
 (-9,945.)

## FISCAL NOTE

This bill appropriates money for the following changes in the Industrial Accident Commission:

- A. 2 Clerk-typist II's
- B. 2 Clerk-typist III's
- C. 1 Clerk III
- D. 2 Court reporters, to be paid at a salary equivalent to a Superior Court reporter
- E. Increase in salaries for the commissioners (\$4,000 apiece)
- F. Two additional part-time commissioners (at present salary of an IAC commissioner)
- G. Purchase of dictating recorders for the IAC commissioners and other necessary capital equipment due to increased IAC personnel

## STATEMENT OF FACT

This bill, the product of the 1977 Select Committee on Workmen's Compensation, restructures the Industrial Accident Commission (IAC) for two main reasons. So that:

1. an already overworked and understaffed commission can respond to even the minimal needs of Maine's injured workers; and
2. the necessary framework can be provided for the future evolution of the IAC into a judicial agency, staffed by full-time commissioners.

The Report of the Select Committee on Workmen's Compensation clearly explained the justification for this restructuring of the IAC:

"Industrial Accident Commission's (IAC) ever larger workload. As the coverage of the Workmen's Compensation system has expanded and injured workers have become more knowledgeable of their rights, the administrative burdens of the Industrial Accident Commission (IAC) have increased at an alarming pace. This has resulted not only in sorely pressed staff and commissioners, but more importantly, in the progressively slower delivery of compensation to Maine's injured workers.

The committee received extensive evidence of this dramatically growing workload of the IAC. The IAC Commissioners, which are considered to be only part-time state employees, described their increasingly hectic schedules of 40-45 hours work a week, caseloads of more than 350, 60 to 70 decrees waiting to be written. Practitioners before the Commission (representing employer and employee alike) sharply questioned the increasing slowness of Commission decrees. A member of the insurance industry

identified as the "first and foremost problem" the length of time it takes to get a decree rendered: "approximately 8 to 12 months from the date of a petition is filed until a decree is rendered and in many cases even longer." While this delay cannot be attributed only to the continuing crush of cases (often delays are caused by attorneys requesting continuances, the unavailability of doctors to testify, or complex issues which demand legal briefs be written) it does indicate the growing pressures on the commissioners. And nowhere was the IAC's burgeoning workload better illustrated to the committee than in a statistical analysis of the last two decades:

	<u>3 Part time Commissioners</u>		<u>4 Part time Commissioners</u>		
	<u>1960</u>	<u>1970</u>	<u>1973</u>	<u>1975</u>	<u>1976</u>
First reports	27,038	30,866	33,655	34,235	42,364
Agreements	4,146	4,598	5,755	8,052	11,217
Petitions	1,808	1,563	1,937	2,115	2,443
Hearings held	1,810	2,779	3,189	3,870	4,390

Cost of IAC Structural Reforms. While the recommended changes are not inexpensive, the committee emphasizes that the workmen's compensation system produces more than three times as much General Fund revenues as it spends administratively. Employees must pay a state tax on insurance premiums and last year, 1976, the General Fund received \$903,040 in revenues, yet the IAC administrative costs were only \$253,250. And this is the same pattern historically:

	<u>Premium tax paid to the General Fund</u>	<u>IAC General Fund Appropriation</u>
1974	\$597,653	\$244,444
1975	\$796,644	\$254,580
1976	\$903,040	\$253,250

And it must be emphasized again that this relatively small IAC expenditure is proving more and more unable to cope with the greatly escalating burdens forced on the IAC. Indeed, there would seem to be a serious injustice done to workers and employers alike if the IAC is forced to unnecessarily delay crucially needed benefits to injured workers while at the same time the State realizes a General Fund profit of more than \$3 for every \$1 it sees fit to spend on the system that administers these benefits."

-from the Report of the 1977 Select Committee on Workmen's Compensation

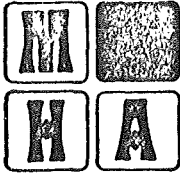
Statistics

Sec. 1. 26 MRSA §42, as enacted by PL 1975, c. 771, §270,  
is amending by adding after the third sentence:

Each agency of government shall cooperate fully with  
the bureau's efforts to compile labor and industrial statis-  
tics.

Statement of Fact

The purpose of this bill is to ensure that government  
agencies will cooperate with the Bureau of Labor in its efforts  
to compile statistics on Maine industry and labor.



MAINE HOSPITAL

ASSOCIATION • 151 CAPITOL STREET • AUGUSTA, MAINE 04330 • 207-622-47

APPENDIX D  
Convenient hearing  
locations

October 26, 1977

Mr. John V. Keane  
Industrial Accident Commission  
State of Maine  
Augusta, Maine 04330

Dear Mr. Keane:

Two weeks ago, State Senator Hewes called this office to inquire as to the possibility of holding Workman's Compensation Hearings in Hospitals both to assist in finding community meeting locations and also as a convenience to physicians.

This office queried certain hospitals in locations requested by Senator Hewes with the result that the following hospitals have indicated a willingness to provide hearing rooms.

York - York  
Goodall - Sanford  
Webber - Biddeford  
Mercy - Portland  
Regional - Brunswick  
Central Maine - Lewiston  
St. Mary's - Lewiston

Augusta General - Augusta  
Redington-Fairview - Skowhegan  
St. Josephs - Bangor  
J.A. Taylor - Bangor  
Penobscot Bay - Rockport  
Waldo County - Belfast

Please make specific arrangements for each meeting with the Administrators' office in each of the above hospitals.

We would appreciate it if you would inform attendees to these hearings that the hospitals only involvement is merely to provide space for the hearings.

Sincerely,

  
R.W. Leighton  
Vice President/Shared Services

RWL/pah

cc: Senator Hewes

APPENDIX E  
IAC decrees

An Act to Facilitate the Making of Decrees by the Industrial Accident Commission.

Sec. 1. 39 MRSA §99, 3rd sentence, as enacted by PL 1961, c. 316 is amended to read as follows:

His decision, ~~findings-of-fact-and-rulings-of-law,-and-other matters-pertinent-to-the-question-so-raised~~ shall be filed in the office of the commission, and a copy thereof attested by the clerk of the commission mailed forthwith to all parties interested.

Sec. 2. 39 MRSA §99, 2nd ¶, is enacted to read as follows:

The commissioner shall, upon the request of a party made as a motion within 5 days after notice of the decision, or may upon its own motion, find the facts specially and state seperately its conclusions of law thereon and direct the entry of the appropriate judgment. The commission may, upon motion of a party made not later than 10 days after notice of findings made by the commission, amend its findings or make additional findings and, if judgment has been entered, may amend the judgment accordingly.

Statement of Fact

The purpose of this bill is to facilitate the making of Industrial Accident Commissions decisions by giving commissioners an option to not make a written findings of fact and conclusions of law. If a party to a dispute requested such a written decision, the commissioner would be required to make one. The commissioner's option would follow the guidelines of a similar option given to Maine judicial judges in the Maine Rules of Civil Procedure.

APPENDIX F  
Simplification of  
notice requirements

Sec. 1. 39 MRSA §98, first sentence, as enacted by PL 1973, c. 788, §234 is amended to read as follows:

The whole matter shall be referred to a single commissioner, who shall fix a time for hearing upon at least 5 days notice given to all the parties or to the attorney of record of each party.

Sec. 2. 39 MRSA §99, fourth sentence, as enacted by PL 1961, c. 316, is amended to read as follows:

His decision, findings of fact and rulings of law, and any other matters pertinent to the questions so raised shall be filed in the office of the commission, and a copy thereof attested by the clerk of the commission mailed forthwith to all parties interested or to the attorney of record of each party.

Statement of Fact

The purpose of this bill is to allow simplification of the notice procedures required in a workmen's compensation case.

Administrative Procedure Act

Sec. 1. 5 MRSA §8002, sub-§2, as enacted by PL 1977, c. 551, is amended to read:

2. Agency. "Agency" means any body of State Government authorized by law to adopt rules, to issue licenses or to take final action in adjudicatory proceedings, including, but not limited to, every authority, board, bureau, commission, department or officer of the State Government so authorized: but the term shall not include the Legislature, Governor, courts, University of Maine, Maine Maritime Academy, school districts, special purpose districts or municipalities, counties, ~~or~~ other political subdivision of the State, or organizations listed in subchapter VIII.

Sec. 2. 5 MRSA c. 375, as enacted by PL 1977, c. 551, is amended by adding the following new sub-chapter:

SUB-CHAPTER VIII  
EXEMPT AGENCIES

The following agencies shall be completely exempt from the Maine Administrative Procedure Act:

1. Industrial Accident Commission



APPENDIX H  
Change the name  
of the IAC

AN ACT to Change the Name of the Industrial Accident Commission.

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

Sec. 1. 39 MRSA §2, sub-§3, as last repealed and replaced  
by PL 1975, c. 480, §2, is amended to read:

3. Commission; commissioner. "Commission" shall mean the Industrial-Accident Worker's Compensation Commission created by section 91. The authority of the commission may be exercised by a single commissioner. "Commissioner" shall mean any member of the commission appointed under section 91 to hear and determine cases. Rule-making powers, however, shall be exercised only by a quorum of all members of the Industrial-Accident Worker's Compensation Commission.

Sec. 2. 39 MRSA §23, sub-§2-A, 1st ¶, last sentence, as enacted by  
PL 1973, c. 559, §2, is amended to read:

Such group desiring to become a self-insurer shall submit to the Chairman of the Industrial-Accident Worker's Compensation Commission, with an application for self-insurance, in a form prescribed by the chairman, the following:

Sec. 3. 39 MRSA §23, sub-§2-A, 2nd ¶, 1st sentence, as  
enacted by PL 1973, c. 559, §2, is amended to read:

If, upon examination of the sworn financial statement and other data submitted, the chairman is satisfied as to the ability of the employer or group to make current compensation payments and that the employer's or group's tangible assets make reasonably certain the payment of all obligations that may arise under the Worker's Compensation Law, the application shall be granted sub-

ject to the terms and conditions setting out the exposure of cash deposits or securities or an acceptable surety bond, all as required by the Chairman of the Industrial-Accident Worker's Compensation Commission.

Sec. 4. 39 MRSA §52, 1st ¶, last sentence, is amended to read:

An injured employee shall have the right to make his own selection of a physician or surgeon authorized to practice as such under the laws of the State from a panel of physicians and surgeons selected by the Industrial-Accident Worker's Compensation Commission, for the services set forth.

Sec. 5. 39 MRSA §52, 2nd ¶, last sentence, as last repealed and replaced by PL 1975, c. 148, is amended to read:

A duly licensed chiropractor shall be considered competent to testify before the Industrial-Accident Worker's Compensation Commission.

Sec. 6. 39 MRSA §57, 2nd ¶, as last amended by PL 1975, c. 406, <sup>further</sup> is/amended to read:

In every case of the death of an employee under this Act where there is no person entitled to compensation, the employer shall pay to the Industrial-Accident Worker's Compensation Commission a sum equal to 100 times the average weekly wage in the State of Maine as computed by the Employment Security Commission to be deposited with the Treasurer of State for the benefit of said fund, and the commission shall direct the distribution thereof.

Sec. 7. 39 MRSA §57-A, sub-§2, 2nd sentence, as enacted by PL 1975, c. 749, §6, is amended to read:

The Industrial-Accident Worker's Compensation Commission is authorized to hire, using funds from the Second Injury Fund, pri-

vate counsel to defend any claim brought against the Second Injury Fund by the State.

Sec. 8. 39 MRSA §72, 1st sentence, as enacted by PL 1975, c. 138, is amended to read:

Upon each award of the ~~Industrial-Accident~~ Worker's Compensation Commission interest shall be assessed from the date on which the last filed petition for award is filed at a rate of 6% per year, provided that if the prevailing party at any time requests and obtains a continuance for a period in excess of 30 days interest will be suspended for the duration of the continuance.

sec. 9. 39 MRSA §91, 1st sentence, as last amended by PL 1965, c. 508, §1, is further amended to read:

The ~~Industrial-Accident~~ Worker's Compensation Commission, as heretofore established, shall consist of 6 members, 4 of whom shall be men learned in the law and members in good standing of the bar of this State.

Sec. 10. 39 MRSA §91, last ¶, ———> is amended to read:

The commission shall have a seal bearing the words "~~Industrial Accident-Commission-of-Maine~~" Worker's Compensation Commission of Maine." It shall have its office and keep its records in the State House in Augusta, but may hold sessions at any place within the State.

Sec. 11. 39 MRSA §93, sub-§3,<sup>1st ¶,</sup> as repealed and replaced by PL 1969, c. 386, is repealed and the following enacted in its place:

3. Proceedings before Worker's Compensation Commission. In all proceedings before the Worker's Compensation Commission, all forms of discovery available in civil actions in the Superior Court

under the Maine Rules of Civil Procedure, as amended, shall be available to any of the parties in the proceedings except that a Worker's Compensation Commissioner, rather than a Superior Court Justice, shall rule on all objections; and a Worker's Compensation Commissioner is empowered to enforce this subsection in the same manner and to the same extent as a Superior Court Justice may enforce compliance of the Maine Rules of Civil Procedure, as amended, with regard to discovery, except that the commissioner shall not have the power of contempt.

Sec. 12. 39 MRSA §93, sub-§3, last paragraph is amended to read:

Signed statements by a medical doctor or osteopathic physician relating to medical questions shall be admissible in workmen's compensation hearings before the ~~Industrial-Accident~~ Worker's Compensation Commission, providing that notice of such testimony to be used is given and service of a copy of the letter or report is made on the opposing counsel 14 days before the scheduled hearing to enable such counsel to depose or subpoena and cross-examine such doctor or physician if he so chooses.

Sec. 13. 39 MRSA §93, sub-§5, 1st ¶, as enacted by PL 1971, c. 544, §137, is repealed and the following enacted in its place:

5. Contempts before Worker's Compensation Commission. A person shall not, in proceedings before the Workmen's Compensation Commission or a single commissioner: Disobey or resist any lawful order, process or writ; misbehave during a hearing or so near the place thereof as to obstruct the same; neglect to produce, after having been ordered to do so, any pertinent document; or refuse to

appear after having been subpoenaed or, upon appearing, refuse to be examined according to law.

Sec. 14. 39 MRSA §112, 1st ¶, as enacted by PL 1973, c. 554, is amended to read:

No statement, except made in proceedings before the Industrial Accident Worker's Compensation Commission, to any investigator or employer's representative, or any kind, oral or written, recorded or unrecorded, made by the injured employee shall be admissible in evidence or considered in any way in any proceeding under this Title unless:

Statement of Fact

The purpose of this bill is to change the name of the Industrial Accident Commission to the Worker's Compensation Commission.