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STATE OF MAINE
WORKERS' COMPENSATION BOARD

OFFICE OF EXECUTIVE DIRECTOR/CHAIR
442 CIVIC CENTER DRIVE, SUITE 100
27 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0027

JANET T. MILLS
GOVERNOR

JOHN C. ROHDE
EXECUTIVE DIRECTOR

January 31, 2023

Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Honorable Troy D. Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333

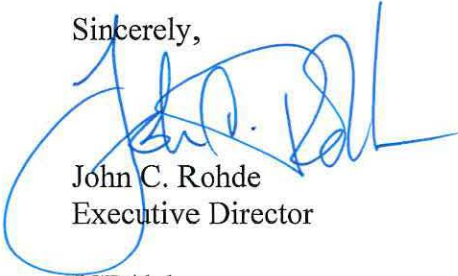
**RE: Annual Report of the Workers' Compensation Board Pursuant to 5 M.R.S.A.
§12023(2)**

Dear Speaker Talbot Ross and President Jackson:

Pursuant to 5 M.R.S.A., §12023, please consider this the transmittal letter for the required report from the Workers' Compensation Board due by February 1, 2023.

Please contact me if you have any questions or need additional information.

Sincerely,



John C. Rohde
Executive Director

JCR/dah

cc: Suzanne Gresser, Executive Director of the Legislative Council
(via e-mail: quasiagencyreports@legislature.maine.gov)



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**RE: 2023 Report of the Workers' Compensation Board Pursuant to 5 M.R.S.A.
§ 12023(2)**

Dear Speaker Talbot Ross and President Jackson:

On behalf of the Workers' Compensation Board ("Board") I am submitting this annual report of procurements for fiscal year 2022 (7/1/2021 – 6/30/2022) as required by 5 M.R.S.A. § 12023 (2).

I. Introduction

Although technically a quasi-independent agency, the Board has, since its inception in 1993, adhered to the procurement and expense reimbursement policies of the Department of Administrative and Financial Services ("DAFS"). After the enactment of Title 5, Ch. 379, subchapter 3 (5 MRSA §§ 12021-12024), the Board decided to continue working under the oversight of DAFS. Adhering to those policies is the most efficient and effective way for the Board to operate. The Board adopted written policies and procedures governing that supplement procurement procedures established by DAFS in response to the review conducted by the Labor and Housing Committee in 2020.

Below is a description of the board's expenditures that fall into the reporting categories mandated by §12023 (2).

II. Procurements (5 M.R.S.A. §12023 (2) (A))

The Board continues to adhere to the comprehensive procurement procedures established by the Division of Procurement Services. For any purchase greater than \$5,000 for which competitive bidding is waived, the Board submits for approval a Procurement Justification form,

and must receive approval from the Division of Procurement Services before entering into a resulting contract.

The following table outlines procurements exceeding \$10,000 in the preceding fiscal year for which competitive procurement was waived.

| Vendors | Justification for Waiver of Competitive Bidding | Dollar Amount of Procurement |
|---|---|---|
| <p>McTeague, Higbee, Case, Cohen, Whitney & Toker</p> | <p>The Board's Worker Advocate Program provides legal representation to injured workers pursuant to Title 39-A MRSA §153-A. In late 2021 and continuing into 2022, vacancies in the ranks of the Attorney-Advocates caused a backlog of cases and prevented the Board from providing adequate representation to injured workers as required by Title 39-A. The Board needed to retain outside counsel to help the Advocate Division provide legal services for injured workers. Pursuant to 5 MRSA §191, the Attorney General authorized the Board to contract with the vendor to assist in representing injured workers. The vendor is a law firm whose lawyers have in-depth knowledge of the practice of workers' compensation law.</p> | <p>The maximum cost of services for FY 2022 that was authorized by the Attorney General for the vendor: \$65,000.00</p> <p>Amount paid to this vendor in FY 2022: \$21,707.00</p> |
| <p>RELX Inc. dba LexisNexis</p> | <p>The Board's staff is required by statute to mediate disputes, hear administrative law cases, write orders and/or provide legal advice and representation to individuals in the workers' compensation system. Board staff use RELX Inc.'s LexisNexis online library which includes <i>Larson's Workers' Compensation Law</i>, to perform legal research, write trial and appellate briefs, author administrative law decrees and accomplish other work necessary to perform required duties. Board staff has determined this on-line publication database is necessary to provide up-to-date legal analysis, opinions, and decisions. Also, Board staff has not found a source for references available in state government or other governmental entities.</p> | <p>The cost of procuring the subscription service from RELX Inc. dba LexisNexis was \$10,740.00.</p> |

III. Contributions (5 M.R.S.A. § 12022(4))

Membership Dues

The Board, pursuant to 39-A M.R.S.A. § 152(3), approves the agency's annual budget which includes membership dues to organizations that pertain directly to the Board's mission. The following chart sets forth the pertinent information regarding membership dues:

| Organization | Justification | Amount |
|--|---|------------------------------------|
| International Association of Industrial Accident Boards and Commissions (IAIABC) | IAIABC is an organization that provides information and resources to workers' compensation systems across the country | \$ 1,731.00 for one calendar year. |

Gifts, Donations and Sponsorships

The Board does not spend money on gifts, donations, or sponsorships.

Travel, Meals, and Entertainment

With respect to travel, meals and entertainment, the Board operates within the policies and procedures promulgated by the Controller's Office. The Board scrutinizes each expense request upon submission and approves reimbursements upon confirmation that the requests comply with the Controller's Office.

IV. Policies and Procedures

A description of changes made in the preceding year to the written policies and procedures required by §12022 or to the procedures used by the governing body to monitor compliance with those policies and procedures.

The Board works under the oversight of DAFS and continues to adhere to comprehensive procurement procedures established by the Division of Procurement Services. The Board does not spend money on gifts, donations or sponsorships and only pays membership dues to organizations that relate directly to the Board's mission.

The Board, pursuant to 39-A M.R.S.A. § 152(13), approves the agency's annual budget which includes membership dues only if they pertain to the Board's mission. The Board's policy pertaining to gifts, donations, sponsorships, or travel reimbursement has been to, effectively, incorporate by reference practices prescribed by the Controller's Office. The Board will

continue to review its budgeting and payment protocols this year and maintain policies consistent with expectations of the Controller's Office.

The Board did not make any changes to its policies and procedures in fiscal year 2022.

If the Board may provide additional information, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "John C. Rohde", is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John C. Rohde
Executive Director

cc: Suzanne Gresser, Executive Director of the Legislative Council
(via e-mail: quasiagencyreports@legislature.maine.gov)