

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LABOR**

JULY 1997

Staff:

*Lisa C. Copenhaver, Legislative Analyst
Thomas H. Eyman, Legislative Analyst
David C. Elliott, Principal Analyst*

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*

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Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

House Amendment "D" to Committee Amendment "B" (H-718) This amendment proposed to change the penalty provisions of the worker's compensation law to allow the Superintendent of Insurance to investigate and penalize improper claims-handling practices. This amendment was not adopted.

Enacted law summary

Public Law 1997, chapter 486 establishes an advocate program to assist employees with their workers' compensation claims through the formal hearing stage. It also includes a mission statement for the Workers' Compensation Board and requires the board to publish quarterly compliance reports and include certain specified data in its annual report. It requires the Executive Director to establish an audit, enforcement and monitoring program,

The advocate program established by this chapter is designed to assist employees who have participated in the troubleshooter program and have not resolved their dispute. The duties of the advocates include assisting employees regarding their claims, helping employees obtain appropriate rehabilitation services or return to work opportunities and advocating on behalf of the employees during mediation or the formal hearings. The Workers' Compensation Board is required to hire a staff attorney to advise the advocates in the preparation of their cases at the formal hearing stage.

Chapter 486 requires the Executive Director of the Workers' Compensation Board to establish an audit, enforcement and monitoring program by July 1, 1998 and requires the schedule of audits to be developed by the deputy director of benefits administration. The board is required to include in its annual report information on the workers' compensation system, with specific data regarding compliance of insurers, self-insurers and third-party administrators with the current law. The annual report must also include an analysis of the board's performance in the management of case administration, payment monitoring, investigations, lump-sum settlements, audits and penalties.

Chapter 486 also raises the board's existing assessment cap from \$6,000,000 to \$6,600,000 for fiscal years 1997-98 and beyond to permit the hiring of advocates and auditors.

LD 1567

**An Act to Reinstate Limited Rehabilitation Benefits under the
Maine Workers' Compensation Act of 1992 for Those with Long-
term Disabilities**

CARRIED OVER

Sponsor(s)
MILLS

Committee Report

Amendments Adopted

LD 1567 proposes to reinstate limited rehabilitation benefits under the Maine Workers' Compensation Act of 1992 for people with long-term disabilities. The bill allows a rehabilitation evaluation to be ordered without a full hearing if it appears that the injury is compensable and that the period of disability will exceed 90 days. The bill proposes that the board may also order the implementation of the rehabilitation plan even if the underlying claim is not finally resolved. The proposal requires the employer to reimburse the Employment Rehabilitation Fund if the employer is finally adjudicated as being responsible for the disability. This bill was carried over to the Second Regular Session.