

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,  
RESEARCH AND ECONOMIC DEVELOPMENT**

July 2011

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STATE OF MAINE  
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER* ..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY* ..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Labor, Commerce, Research and Economic Development*

**LD 1055**     **An Act Regarding the Computation of Workers' Compensation Rates  
Based on Past Claims**     **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FITZPATRICK WHITTEMORE	ONTP	

Under current law, an employer is placed in a high-risk pool if the employer has at least two lost-time claims, each greater than \$10,000 of incurred loss during the previous three-year experience rating period. This bill increases the incurred loss amount from \$10,000 to \$40,000.

**LD 1056**     **An Act To Increase the Availability of Independent Medical Examiners  
under the Workers' Compensation Act of 1992**     **PUBLIC 215  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER GOODALL	OTP-AM	H-204 H-279 TUTTLE

Under current law, if a physician has examined an employee of a company at the request of an insurance company, employer or employee in accordance with the Maine Revised Statutes, Title 39-A, section 207 during the previous 52 weeks then that physician is not eligible to be an independent medical examiner. This bill amends the law by limiting the 52-week prohibition to a prohibition against the examination of a specific employee who previously has been examined by the physician.

**Committee Amendment "A" (H-204)**

This amendment replaces the bill. It specifies that health care providers who examine injured workers at the request of an employer in accordance with the Maine Revised Statutes, Title 39-A, section 207 are limited to 12 such examinations per calendar year. It adds the requirement that independent medical examiners be certified in the field of practice of the injury by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association. It clarifies that an independent medical examiner may not be assigned to an injured worker if the independent medical examiner has previously examined the worker or has been closely affiliated with the insurance company at any time during the preceding 52 weeks unless there is no other physician reasonably available. The amendment requires that an independent medical examiner that examines an injured worker at the request of the employer in accordance with Title 39-A, section 207 notify the Workers' Compensation Board of the name of the employee, the employer or the insurer that requested the examination and the date of the examination within 10 days of the date of the examination. The amendment also requires that the board submit a report that includes findings and recommendations by January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters regarding the board's review of the selection process of independent medical examiners and the number of independent medical examiners who have examined injured workers at the request of employers or insurers. The joint standing committee is authorized to introduce a bill related to the board's report to the First Regular Session of the 126th Legislature. The amendment adds an emergency preamble and emergency clause.

**House Amendment "A" To Committee Amendment "A" (H-279)**

This amendment clarifies that an independent medical examiner chosen by an employer to conduct an examination

**Joint Standing Committee on Labor, Commerce, Research and Economic Development**

of an employee is limited to performing 12 independent medical examinations in a calendar year.

**Enacted Law Summary**

Public Law 2011, chapter 215 specifies that health care providers who examine injured workers at the request of an employer in accordance with the Maine Revised Statutes, Title 39-A, section 207 are limited to 12 independent medical examinations per calendar year. It adds the requirement that independent medical examiners be certified in the field of practice of the injury by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association. It clarifies that an independent medical examiner may not be assigned to an injured worker if the independent medical examiner has previously examined the worker or has been closely affiliated with the insurance company at any time during the preceding 52 weeks unless there is no other physician reasonably available. It requires that an independent medical examiner that examines an injured worker at the request of the employer in accordance with Title 39-A, section 207 notify the Workers' Compensation Board of the name of the employee, the employer or the insurer that requested the examination and the date of the examination within 10 days of the date of the examination. Public Law 2011, chapter 215 also requires that the board submit a report that includes findings and recommendations by January 15, 2013 to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters regarding the board's review of the selection process of independent medical examiners and the number of independent medical examiners who have examined injured workers at the request of employers or insurers. The joint standing committee is authorized to introduce a bill related to the board's report to the First Regular Session of the 126th Legislature.

Public Law 2011, chapter 215 was enacted as an emergency measure effective June 3, 2011.

**LD 1057 An Act To Increase the Transparency of the Unemployment Compensation Fund**

**PUBLIC 212**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING PLOWMAN	OTP-AM	H-286

This bill requires a vote of two-thirds of the members of the Senate present and voting for an increase in the unemployment contribution rate that is scheduled to go into effect within five years of the effective date of the increase.

**Committee Amendment "A" (H-286)**

This amendment strikes and replaces the bill. The amendment directs the Commissioner of Labor to annually publish data on the content and usage of the Unemployment Compensation Fund. The commissioner must separately disclose, for not less than five years after enactment, legislative changes affecting the content or usage of the Unemployment Compensation Fund and the impact of those changes. This amendment also requires the Department of Labor, Bureau of Labor Standards to project the impact of proposed benefit changes on employer's experience classifications.

**Enacted Law Summary**

Public Law 2011, chapter 212 directs the Commissioner of Labor to annually publish data on the content and usage of the Unemployment Compensation Fund. The commissioner must separately disclose, for not less than five years after enactment, legislative changes affecting the content or usage of the Unemployment Compensation Fund and the impact of those changes. It also requires the Department of Labor, Bureau of Labor Standards to project the impact of proposed benefit changes on employer's experience classifications.