

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<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**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<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. An appendix provides a summary of relevant session statistics.

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

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 1195**      **An Act To Amend the Laws Governing Workers' Compensation**

ONTP

Sponsor(s)

CUSHING  
WARD

Committee Report

ONTP

Amendments Adopted

This bill makes the following changes to the laws governing workers' compensation and the Workers' Compensation Board, or "board."

1. It repeals language requiring the board to hire qualified persons to serve as hearing officers, and instead requires hearing officers to be appointed by the Governor and confirmed by the Senate.
2. Current law authorizes the board to establish the terms of hearing officers by rule; this bill instead provides that the initial term of a hearing officer is three years and subsequent terms are five years.
3. It provides that if a violation of the Maine Workers' Compensation Act of 1992 results in a de minimus alteration to a calculation of benefits, a report to the Attorney General is not required.
4. It requires that a person appointed to investigate circumstances surrounding an industrial injury or to conduct an audit must submit a report of the investigation or audit to the Superintendent of Insurance as well as to the board.
5. It eliminates authorization for the board to audit the Maine Insurance Guaranty Association.
6. It authorizes the disclosure of audit working papers to the Superintendent of Insurance.
7. It provides that an employee who has received a personal injury arising out of and in the course of employment and who has returned to work on a full-time basis is entitled to compensation for time spent attending medical appointments related to the injury that occur during hours that the employee is customarily at work.
8. It specifies that for a first failure to pay benefits, the penalty for delay of \$50 per day may not be more than \$500, and that for a second failure to pay, the penalty for delay of \$50 per day may not be more than \$1,000.
9. It eliminates language identifying the Maine Insurance Guaranty Association as an employer or insurance carrier for purposes of assessing penalties for delay in payment.
10. It specifies that wage statements must report wages of the employee in the same manner as wages are paid.
11. It requires that if an independent medical examiner is assigned by the board, the assignment must be made within 30 days of the request.
12. It requires that the independent medical examiner submit a written report of findings within a reasonable time following the examination. If a report is not filed within 60 days following the examination, the hearing officer is directed to follow up with the independent medical examiner.
13. It requires the board to annually publish its findings regarding the quality and timeliness of the submission of medical findings by independent medical examiners.
14. It requires hearing officers to render decisions within 60 days of the close of evidence of a hearing unless the executive director authorizes the hearing officer to take additional time to render the decision.

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

- 15. It specifies that the law governing the determination of attorney's fees for lump-sum settlements applies to injuries occurring after January 1, 2015; that the computation of the amount is based on the indemnity benefits of the settlement; and that a fee may not be assessed for the amount of any settlement intended to pay for current or future medical costs.
- 16. It specifies that a de minimus error in the calculation of average weekly wage may not be considered in the calculation of a penalty.
- 17. It specifies that, if after an audit the board determines that an assessment in the aggregate could equal or exceed the amount of compensation, interest, penalty or other obligations, a hearing must be held before a panel composed of the executive director of the board, the Superintendent of Insurance and a hearing officer appointed by the board.
- 18. It authorizes the Superintendent of Insurance, rather than the board, to assess civil penalties if it is found that an employer, insurer or 3rd-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonable contested claims.
- 19. It requires the board to annually report the results of its monitoring program to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters.
- 20. It directs the board to conduct a study regarding psychological injury and impairment arising out of injuries sustained by employees in the course of employment.

**LD 1199      An Act To Clarify the Laws Governing the Bureau of Rehabilitation      PUBLIC 141**  
**Services**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| VOLK<br>HERBIG    | OTP                     |                           |

This bill changes the laws governing the Department of Labor, Bureau of Rehabilitation Services by:

- 1. Repealing the laws governing the blind-made products program, a program that no longer exists;
- 2. Changing references to the Federal Rehabilitation Act to the federal Rehabilitation Act of 1973;
- 3. Specifying the Department of Labor as the designated state agency to provide rehabilitation services under the federal Rehabilitation Act of 1973 and naming the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired as the designated state units;
- 4. Defining "gainful employment" as it pertains to the different standards within the Division of Vocational Rehabilitation and the Division for the Blind and Visually Impaired;
- 5. Changing the phrase "handicapped or disadvantaged individual" to "person with a disability"; and
- 6. Reducing the number of members on the Commission for the Deaf, Hard of Hearing and Late Deafened from 24 members and three at large members to up to 23 members to reflect the bylaws voted on by the commission. It also provides that members serve three-year terms and may serve multiple terms without limit.

**Enacted Law Summary**

Public Law 2015, chapter 141 changes the laws governing the Department of Labor, Bureau of Rehabilitation Services by: