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Date: (Filing No. S-)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 736, L.D. 1833, Bill, “An Act To Improve Workers' Compensation Protection for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance”

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Workers' Compensation Board To Further Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments is of great concern; and

Whereas, more time is needed to seek stakeholder input so that comprehensive legislation to address this issue may be finalized in time for presentation to the 127th Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Workers' Compensation Board to study and report. Resolved: That, notwithstanding Joint Rule 353, the Workers' Compensation Board shall convene a working group and conduct a study on the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments, including the prevalence of the problem and potential funding sources to address the problem, and report to the joint standing committee of the Legislature having jurisdiction

COMMITTEE AMENDMENT

1 over labor matters by February 1, 2015 with recommendations and draft implementing
2 legislation to address this problem; and be it further

3 **Sec. 2. Working group. Resolved:** That the executive director of the Workers'
4 Compensation Board shall convene the working group under section 1 as soon as
5 practicable to assist the Workers' Compensation Board and shall serve as chair.

6 The working group consists of 2 members of the Joint Standing Committee on Labor,
7 Commerce, Research and Economic Development. The chairs of the joint standing
8 committee may make recommendations for appointment of the 2 members to the
9 President of the Senate and the Speaker of the House of Representatives. The President
10 of the Senate shall appoint one member of the Senate, and the Speaker of the House of
11 Representatives shall appoint one member of the House of Representatives. Legislative
12 members of the working group must be from each of the 2 parties holding the largest
13 number of seats in the Legislature. The executive director shall appoint the following
14 members:

- 15 1. One representative of the American Federation of Labor and Congress of
16 Industrial Organizations;
- 17 2. One representative of the Maine State Chamber of Commerce;
- 18 3. One representative of the National Federation of Independent Business;
- 19 4. One attorney who primarily represents injured workers;
- 20 5. One former Workers' Compensation Board member;
- 21 6. Two representatives of workers' compensation insurance carriers;
- 22 7. One representative of the Workers' Compensation Coordinating Council of Maine;
- 23 and
- 24 8. One representative of the construction industry.

25 The working group may request drafting assistance from the Legislative Council; and
26 be it further

27 **Sec. 3. Authority to report out legislation. Resolved:** That the joint standing
28 committee of the Legislature having jurisdiction over labor matters may report out a bill
29 to the First Regular Session of the 127th Legislature related to the report of the Workers'
30 Compensation Board submitted pursuant to section 1.

31 **Emergency clause.** In view of the emergency cited in the preamble, this
32 legislation takes effect when approved.'

33 SUMMARY

34 This amendment changes the title of the bill and replaces the bill with a resolve that
35 directs the Workers' Compensation Board to study the issue of improving protections for
36 injured workers whose employers have wrongfully not secured workers' compensation
37 payments. The executive director of the Workers' Compensation Board is directed to
38 convene a working group and to report to the joint standing committee of the Legislature

COMMITTEE AMENDMENT “ ” to S.P. 736, L.D. 1833

1 having jurisdiction over labor matters with recommendations and draft implementing
2 legislation by February 1, 2015.