

STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
BUREAU OF INSURANCE

IN RE:	)	
	)	
WATSON'S PROPERTY	)	NOTICE OF PENDING PROCEEDING,
MAINTENANCE, INC.	)	SCHEDULING ORDER
	)	AND
v.	)	NOTICE OF HEARING
	)	
MAINE EMPLOYERS' MUTUAL	)	
INSURANCE COMPANY	)	

Docket No. INS-13-102

Bureau of Insurance Attorney Benjamin Yardley (the "Hearing Officer") issues this Notice of Pending Proceeding, Scheduling Order and Notice of Hearing in this proceeding. Superintendent Eric A. Cioppa has delegated all legal authority to the Hearing Officer under 24-A M.R.S.A. § 210 to act in the Superintendent's name in this matter.

1. SCHEDULING ORDER AND HEARING

The parties will exchange witness names and exhibits by January 6, 2014. A prehearing telephone conference will be at 10:00 a.m. January 7, 2014.

Pursuant to 24-A M.R.S.A. §§ 229 and 2320(3), the Hearing Officer hereby gives notice of a hearing to consider the petitions filed by Watson's Property Maintenance, Inc. The petitioner argues that Maine Employers' Mutual Insurance Company ("MEMIC") has charged excessive workers' compensation insurance premiums because the payroll used by MEMIC to revise the premium after a policy audit includes payments to workers who the petitioner contends are subcontractors. The purpose of the hearing is to determine whether MEMIC properly designated these workers as employees, and whether the premium charged was otherwise consistent with applicable legal standards and with the rating plan approved by the Superintendent. The Hearing Officer will also address in the proceeding any other related issues raised by any party or by the Hearing Officer that the Hearing Officer, in his sole discretion, deems appropriate to address.

The hearing will start at 1:00 p.m. on January 22, 2014 in the Kennebec Room of the Department of Professional and Financial Regulation, in the State Office Annex at 76 Northern Avenue, Gardiner, Maine.

2. HEARING PROCEDURE

The Hearing Officer will conduct the hearing according to the provisions of the Maine Administrative Procedure Act, 5 M.R.S.A. §§ 9051-9064, and the Maine Insurance Code, 24-A M.R.S.A. §§ 229-236. Bureau of Insurance Rule 350 will also apply except to the extent that it may be inconsistent with a procedure specifically adopted for purposes of this proceeding. Parties may be represented by counsel, submit evidence, and examine all

NOTICE OF PENDING PROCEEDING  
Docket No. INS-13-102

witnesses. A party's failure to attend the hearing may result in a disposition by default against that party.

Any party may request a prehearing conference or conference call for any purpose set forth in Rule 350, such as scheduling and other procedural issues, the possibility of an agreed disposition of some or all of the issues, or any other appropriate purpose.

3. INTERVENTION

The parties to the proceeding currently are Watson's Property Maintenance, Inc. and MEMIC. Persons wishing to intervene as parties in the proceeding shall file their applications in writing with the Hearing Officer no later than 5:00 p.m. of the last business day before the hearing and shall simultaneously serve a copy of the intervention application on each party at the name and address identified at the end of this Notice.

An application claiming intervention as of right pursuant to 5 M.R.S.A. § 9054(1) shall either identify the applicant as an agency of federal, state, or local government or explain how the applicant is or may be, or is a member of a class that is or may be, substantially and directly affected by the proceeding. An application for permissive intervention pursuant to 5 M.R.S.A. § 9054(2) shall explain and substantiate the applicant's interest in the proceeding. The Hearing Officer will not grant late applications without a showing of good cause.

4. STAY OF CANCELLATION

To the extent that MEMIC has started proceedings to cancel any insurance policy at issue in this proceeding, the Hearing Officer hereby ORDERS that such cancellation proceedings are stayed.

The Department of Professional and Financial Regulation does not discriminate on the basis of disability in the admission to, access to, or operation of its programs, services or activities. Individuals in need of auxiliary aid for effective communication in the hearing are invited to make their needs and preference known to the Hearing Officer sufficiently before the hearing that appropriate arrangements can be made.

PER ORDER OF THE SUPERINTENDENT OF INSURANCE

DATED: December 19, 2013

By:   
Benjamin Yardley  
Hearing Officer

NOTICE OF PENDING PROCEEDING  
Docket No. INS-13-102

Delivery of Intervention Applications:

Applicants should either hand-deliver their applications to the Hearing Officer at the offices of the Bureau of Insurance, 124 Northern Avenue, Gardiner, Maine or mail them to the Hearing Officer at the following address:

Benjamin Yardley  
Attn: Elena Crowley (Docket No. INS-13-102)  
Bureau of Insurance  
Maine Department of Professional and Financial Regulation  
#34 State House Station  
Augusta, Maine 04333-0034

Simultaneous with the delivery of an intervention application to the Hearing Officer, an applicant shall serve a copy of the application on each person below at the address given by first class U.S. Mail, postage prepaid:

For Petitioner: Walter Watson  
Watson's Property Maintenance, Inc.  
96 Webster Road  
Lisbon, ME 04250

For MEMIC: Karen Schwartz  
Maine Employers Mutual Insurance Company  
P.O. Box 11409  
Portland, ME 04104