



**STATE OF MAINE**  
**WORKERS' COMPENSATION BOARD**  
**Board of Directors' Business Meeting**

**October 10, 2023**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely via Zoom and in person at the Board's Central Office at 442 Civic Center Drive, Augusta on Tuesday, October 10, 2023.

**PRESENT:** John Rohde (*Executive Director/Chair*), Penny Picard, Lynne Gaudette, Serina DeWolfe, Glenn Burroughs, Ron Green (*Directors*), and Richard Hewes (*General Counsel*)

**I. CALL TO ORDER**

Executive Director Rohde called the meeting to order at 10:03 a.m. with over 20 people participating in person and via Zoom. Executive Director Rohde reviewed the hybrid meeting format and remote participation procedures. Board members and staff introduced themselves for the recording.

**II. APPROVAL OF MINUTES**

**1. Draft Minutes of 9/12/2023 Board of Director's Business Meeting**

Director Green MOVED TO ACCEPT THE MINUTES OF THE 9/12/2023 BOARD MEETING AS WRITTEN; Director Burroughs SECONDED. **MOTION PASSED 6-0.**

**III. SUBCOMMITTEE REPORTS**

**1. IME Subcommittee**

The IME Subcommittee will schedule meetings with doctors who are randomly selected for a follow up meeting. The subcommittee would like to meet with 3 or 4 doctors this year and then continue the process next year with different doctors. The goal is to eventually meet with all examiners to better understand their perspectives about the process.

**2. Budget Subcommittee**

Executive Director Rohde reviewed where the Board left off last summer regarding the assessment cap, submitting legislation this year and options for the Board to consider at this time. Draft language was sent to the Board members that proposes tying the cap to the allocation and preserves the current language in §154 regarding the reserve account.

Director Green can support tying the assessment cap to the legislature's allocation. Although the Board may not have to assess employers an amount equal to the Board's budgets, tying the cap to the amount that the legislature approves for the Board will ensure that the directors will always be able to meet its annual budgets.

Executive Director Rohde pointed out that the assessment has changed multiple times over the last 30 years. Trying to determine how much the cap should be is always uncertain and creates needless friction among directors. It seems sensible to set the cap at the same amount as the legislatively approved budget.

Director Gaudette said that management stakeholders are invested in maintaining an assessment cap in a fixed amount.

Director Green asked if there was a counter proposal.

Executive Director Rohde said that the next cap should go through the 2028 budget cycle to push this issue into the next administration. Executive Director Rohde would like to have the options laid out so the Board knows what the options are for the November meeting.

The directors caucused from 10:34 to 10:46.

Upon returning, Director Picard proposed leaving the cap as is.

Directors Gaudette and Picard asked the Executive Director to produce a maximum assessment number.

Director Green said that it will be nothing but guesswork, many costs in the budget are actually out of Board control such as inflation, OIT costs, salaries, benefits.

## **IV. EXECUTIVE DIRECTOR REPORT**

### **1. CompCon/Training**

The recent seminar, CompCon, was well attended. Feedback has been positive.

The MAE unit is developing new training modules that are smaller, more focused sections of training that will be available online. MAE will also restart the quarterly newsletter in 2024.

### **2. Portland Office**

The move is currently targeted for mid-November. Once the new office has settled in, the Board would like to hold a meeting in the new office.

### **3. Wage Statements**

The order of the blanks for wages in the WCB-2 Wage Statement form was discussed. Adjusters must begin with week 52 and work backward to the date of injury. A

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Approved 11-14-2023 Vote 6-0*

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suggestion was submitted to reverse this order. Executive Director Rohde asked for feedback on this. The Board will review comments when they are received.

## **V. GENERAL COUNSEL REPORT**

### **1. Personnel**

An attorney position with the Abuse Unit is now vacant and the advocate position in Lewiston remains vacant. There are 2 vacant paralegal positions in Portland Advocate office which are proving difficult to fill. Low wages for these positions may be contributing to the issue.

## **VI. OLD BUSINESS**

### **1. Legislation**

LD 1803 (submitted by the Board) has been enacted as Chapter 205 in Maine's Public Law. The new online, self-declaration process for independent contractors will begin October 25<sup>th</sup>.

The first meeting of the LD 1896 stakeholder group will be October 18<sup>th</sup>.

To date, no new bill requests have been submitted under Title 39-A.

## **VII. NEW BUSINESS**

Carrie Pomeroy presented the Second Quarter 2023 draft Compliance Report. While some improvement was noted, compliance still needs improvement.

Director Gaudette MOVED TO ACCEPT THE 2<sup>nd</sup> QUARTER 2023 COMPLIANCE REPORT AS WRITTEN; Director Green SECONDED. **MOTION PASSED 6-0.**

## **VIII. ADJOURNMENT**

Director Picard MOVED TO ADJOURN; Director Gaudette SECONDED.

**MOTION PASSED 4-2.** *(Directors Green and Burroughs opposed.)*

The meeting formally adjourned at 11:12 a.m.