



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

February 13, 2024

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, February 13, 2024.

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

I. CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:04 a.m. with over 30 people participating in person and via Zoom. Executive Director Rohde reviewed the hybrid meeting format, remote participation procedures, and welcomed everyone attending in person. Board members and staff introduced themselves for the recording.

II. APPROVAL OF MINUTES

1. Draft Minutes of 1/9/2024 Board of Director's Business Meeting

Director Picard MOVED TO ACCEPT THE MINUTES OF THE 1/9/2024 BOARD MEETING AS WRITTEN; Director Green SECONDED. **MOTION PASSED 6-0.**

III. SUBCOMMITTEE REPORTS

1. Budget Subcommittee

The Budget subcommittee met to discuss additional expenses incurred during the Portland Regional Office move.

Director Green MOVED TO AUTHORIZE THE TRANSFER OF \$570,000 FROM THE RESERVE ACCOUNT (ACCOUNT 0183 02) INTO THE ADMINISTRATIVE FUND (ACCOUNT 0183 01) FOR COSTS NEEDED TO FIT UP AND OCCUPY THE NEW OFFICE SPACE FOR THE PORTLAND REGIONAL OFFICE. Director Picard SECONDED. **MOTION PASSED 6-0.**

Executive Director Rohde thanked Director Picard for filling in on the Budget Subcommittee in Director Wallace's absence and announced that Paul Gendreau will be assigned to the Budget Subcommittee once his confirmation as director is finalized.

2. IME Subcommittee

The IME Subcommittee members met with Dr. Matthews as part of their efforts to speak with IME doctors each year. They will meet with Dr. Graf and Dr. Donovan before summarizing the feedback for the Board.

3. Personnel Subcommittee

Rita Bean plans to retire in May. She has been with the Board for 39 years and will be greatly missed.

IV. EXECUTIVE DIRECTOR REPORT

1. General Updates

- The Audit department would like to remind everyone that there are 29 days in February this year.
- The Board is working on a letter regarding wage statement compliance issues.
- Today, the Senate is taking up the renominations of Directors DeWolfe and Gaudette and the nomination of Mr. Gendreau.
- The Annual Report will be distributed this week.
- Rita Bean was commended for her many years of service to the Board and for her numerous contributions to the Workers' Comp Summit each year.

V. GENERAL COUNSEL REPORT

1. Law Court

Crosen v. Rockingham Electric/MIGA and Blouin Motors/MADA was recently argued before the Law Court. MADA, Blouin's insurer, paid 60% benefits in an apportionment case with Rockingham's carrier that reimbursed MADA 40% for a 1984 injury. Blouin's carrier was allowed to reduce its payments by 60% of the available social security retirement offset. The law in effect at the time of the 1984 injury did not allow Rockingham's carrier to offset benefits, so it paid 40%. Rockingham's insurer went bankrupt. MADA ended up paying 100% benefits. The Appellate Division held that MADA was not entitled to reduce its payments by 40% because the 1984 law did not allow the insolvent insurer to take that offset. Blouin's insurer appealed, arguing that it should be able to take the full 50% social security offset because it had taken on 100% of the benefits.

2. Personnel

The Augusta advocate position remains vacant. We are waiting on a list of candidates to interview. James Burbridge has been hired to fill the vacant Lewiston advocate position and will start February 20th.

VI. OLD BUSINESS

There was no old business.

VII. NEW BUSINESS

1. FutureComp EDI Waiver

Directors considered an EDI waiver request from FutureComp.

Director Burroughs MOVED THAT THE BOARD OF DIRECTORS GRANT A WAIVER OF THE BOARD'S ELECTRONIC FORM FILING REQUIREMENTS FOR FUTURECOMP FROM JANUARY 24, 2024, THROUGH MARCH 13, 2024. Director Picard seconded. **MOTION PASSED 6-0.**

2. Legislation Update

LD 1896 will likely come out of the Labor and Housing Committee (majority – ought to pass) as a resolve directing the Board to study cost of living adjustments.

A work session will be scheduled this week for LD 2176 (the assessment bill).

LD 444 is not specifically a workers' compensation bill, but it would require annual exams for first responders and may be moved to the Labor and Housing Committee.

LD 1857 creates a pilot program for the Department of Public Safety to provide grants for some of the exams that would be required under LD 444. LD 1857 is currently on the special appropriations table.

3. Framework Subcommittee

The framework subcommittee met for the first time to begin reviewing materials and studies about employer costs and interstate comparisons. Directors Gaudette and Burroughs sit on this committee. Discussion was held regarding which articles and other materials are being examined. Director Picard asked about who authored the reports and where they originated. Directors discussed components of the study, including the impact of vocational rehabilitation and the subcommittee's plan to consider employer costs and interstate comparisons.

The Board will request claims data from insurers in anticipation of the LD 1896 study. A spreadsheet has been created by the Board. It will help insurers understand what data will have to be sent. This information will also be used in the framework subcommittee discussions.

VIII. ADJOURNMENT

Director Picard MOVED TO ADJOURN; Director Gaudette SECONDED. **MOTION PASSED 5-1.** (*Director Burroughs opposed.*)

The meeting formally adjourned at 10:50 a.m.