



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

June 11, 2024

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely via Zoom and in person at the Board's Augusta Central Office at 442 Civic Center Drive, Suite 100, Augusta, on Tuesday, June 11, 2024.

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

CALL TO ORDER

Executive Director Rohde called the meeting to order at 10:01 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.

I. APPROVAL OF MINUTES

1. Draft Minutes of 5/14/2024 Board of Director's Business Meeting

Director Green MOVED TO ACCEPT THE MINUTES FROM THE May 14, 2024, BOARD MEETING MINUTES AS WRITTEN; Director Burroughs SECONDED.
MOTION PASSED 6-0-1. (*Director Gaudette abstained.*)

II. SUBCOMMITTEE REPORTS

1. IME Subcommittee

Director Gaudette reported the subcommittee will be preparing the questionnaire to be sent to the independent medical examiners later this year.

2. Framework Subcommittee

Director Gaudette reported on the excellent, June 5, 2024, presentation from Sandra Darby, Property & Casualty Actuary at the Bureau of Insurance that included an overview of the workers' compensation ratemaking process, premium calculations, and an overview of workers' compensation market. Director Burroughs agreed that the presentation was very helpful and informative. The directors have asked for an electronic copy of the presentation so it can be shared with the full Board. Additionally, a simplified data call was sent out for the information regarding payments from injury year 2018.

3. Budget Subcommittee

The Budget and Personnel subcommittees are preparing to meet with department managers to discuss items that will, or may, impact our budget submission. We will not get actual dollar amounts from the Bureau of Budget until August. Deputy Director Jan Adams is preparing a work program for the budget. The budget submission is due by September 1st.

III. EXECUTIVE DIRECTOR REPORT

1. Workers' Compensation Presentation

Executive Director Rohde gave a presentation to the Maine State Council of Machinists regarding workers' compensation and what the Board does.

2. Lead By Example Program

Per Governor Mills' order, Board staff will be working towards more environmentally friendly goals such as more recycling in the offices and working with the ALJ's to allow electronic submission of exhibits. Filings with ALJ's in AIU cases might provide an opportunity for a pilot program for paperless files.

3. CompCon

Deputy Director Trost is working on the 2024 legal seminar, titled CompCon, that will offer lectures and panel discussions for lawyers and other practitioners whose work involves workers' compensation law. The conference will be held at the Augusta Civic Center in September. Deputy Director Trost invited directors of the board to participate as panelists at an introductory session. The directors expressed interest and look forward to this opportunity to participate.

4. State Employee Survey

Deputy General Counsel Seanna Crasnick shared highlights of the statewide employee survey that was done earlier this year. Overall, WCB compared very favorably against other agencies. One of the main areas of concern was whether the Board has enough staff members to complete tasks. Senior staff will be working on a follow up plan based on the survey results.

IV. GENERAL COUNSEL REPORT

1. Annual Regulatory Agenda

The Annual Regulatory Agenda is due to the Legislature by July 17, 2024. The report informs the Legislature of the actions the Board *could* take in rulemaking. It does not mean the Board needs to embark in rulemaking in every area listed.

Director Green MOVED TO ACCEPT THE ANNUAL REGULATORY AGENDA AS WRITTEN; Director Gendreau SECONDED. **MOTION PASSED 7-0.**

2. Law Court Decision

The Law Court has issued a decision in *Crosen v. Blouin Motors, Inc.* which focused on the availability of a social security offset in an apportionment case. The Law Court remanded the case to the Appellate Division for further consideration.

In regard to rulemaking, Jake LaChance, legislative liaison at the Maine State Chamber of Commerce, asked the Board to be cautious when initiating the rulemaking process at this time. He noted that recent rules for paid family leave legislation have occupied quite a lot of time for employers who are negotiating at the State House with proponents of the paid family leave legislation. He asked that the Board be aware of proposing new rule amendments while other time-consuming initiatives are pending.

V. OLD BUSINESS

1. Legislation Update

Monthly reports will be due under the LD 1896 Resolve beginning August 15, 2024.

LD 2176, the Board's assessment cap bill, was not signed into law. This means that the Board will have to address the assessment cap in its budget submission.

If there are any suggestions on items to address with legislation in the next session, this is the time to begin those discussions.

VI. NEW BUSINESS

1. August Meeting

The August meeting of the Board of Directors will likely need to be moved back to a later date to allow more time to work on the budget package. The Directors will discuss a new date in July.

VII. ADJOURNMENT

Director Gaudette MOVED TO ADJOURN; Director Picard SECONDED. **MOTION PASSED 6-1.** (*Director Burroughs opposed.*)

The meeting formally adjourned at 10:32 a.m.