



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

**September 10, 2024**

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely via Zoom and in person at the Board's Lewiston Regional Office at 36 Mollison Way, Lewiston, on Tuesday, September 10, 2024.

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

**CALL TO ORDER**

Executive Director Rohde called the meeting to order at 10:02 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**

The approval of meeting minutes from August will be held over until the next meeting.

**II. SUBCOMMITTEE REPORTS**

**1. Framework Subcommittee**

Director Gaudette noted the first monthly report to the Labor and Housing Committee was submitted. These reports will also be available on the Board's website.

**III. EXECUTIVE DIRECTOR REPORT**

**1. Updates**

- The Budget package has been submitted.
- WCB Team Day is next week on September 19<sup>th</sup>.

**2. Annual File Audit**

The Workers' Compensation Board will take an administrative week during the week of December 16<sup>th</sup> to allow for a file audit.

**IV. GENERAL COUNSEL REPORT**

**1. Hardship Petition**

At the October meeting, the Board will need to deliberate and decide on a motion for findings of facts and conclusions of law filed in the *Weiss v. Maine Soapstone* case.

*Minutes of September 10, 2024 Workers' Compensation Board Meeting  
Approved October 8, 2024 VOTE 6-0*

Jerome Weiss filed the motion and Travis Radcliff, Esquire, submitted a response on behalf of his client, Maine Soapstone. General Counsel Hewes noted that motions for findings of facts and conclusions of law (FFCL) are common practice after a decision has been issued. The parties will be able to view the proceeding either in person or remotely. No testimony or new evidence will be presented. The directors will review their decision and evaluate the motion and the employer's reply. Materials will be sent to the Board members prior to the October meeting to review. The Board will either grant or deny the motion filed by Mr. Weiss. If either of the parties are unhappy with the ultimate decision, then the next step will be for either or both of them to file a Law Court appeal.

Additionally, a new hardship petition has been received by the Board. More information will be presented on this petition at the November Board meeting.

## **2. Personnel**

Advocate vacancies in Portland have been filled, but these positions require extensive training. The Advocate Division will still be shorthanded while the new Advocates are being trained.

# **V. OLD BUSINESS**

## **1. Vacancy Provision**

Executive Director Rohde reported that he has reviewed §151(3) and drafted language to clarify the process through which a new director of the Workers' Compensation Board should be appointed to finish out the term of a member who vacates a position before the term expires. The draft has been sent to the AFL and to the Chamber of Commerce for feedback. The statute calls upon those organizations to supply lists of prospective directors to the governor for appointment.

Discussion continued about the suggested change to §151(3). Director Picard said the Management Directors are still collecting feedback. Jake LaChance from the Chamber of Commerce noted that the draft seems reasonable and provided feedback on a few points. Director Picard suggested that perhaps the lists should have four names instead of three.

If the Board is going to act on this, it must be submitted to the Legislature no later than December 1st.

## **2. Benchmarks**

Executive Director Rohde reviewed some of the history of benchmarks that are used by the Board to measure form-filing compliance. Expanding on the discussion from last month, the Monitoring, Auditing and Enforcement (MAE) Unit can add a "quality" measurement to the current benchmarks instead of adding new benchmark standards. Currently, a number of forms that are technically filed on time contain multiple omissions and inaccuracies. Bad data creates more work for Board employees. It might be helpful if the MAE Unit measures the quality of the data to augment the benchmarks and tell the full story of the quality of filings. The Claims Unit processes incomplete forms but has to follow up with claims adjusters to remind them to supply additional information to make the forms complete and accurate.

*Minutes of September 10, 2024 Workers' Compensation Board Meeting  
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## **VI. NEW BUSINESS**

### **1. IME Rule Change**

The Board is looking to attract more Independent Medical Examiners (IME) and retain those currently approved. The subcommittee received feedback from the IMEs noting that the payment for these services has not increased in more than 10 years. It has also been noted that young doctors may not have time to serve as IME's. Changes to the definition of "active treating practice," which is set forth in the Board's rules, might attract doctors who are retired or partially retired. The IME Subcommittee will present more on this at the next meeting.

## **VII. ADJOURNMENT**

Director Picard MOVED TO ADJOURN; Director Gaudette SECONDED. **MOTION PASSED 5-2.** (*Directors Green and Burroughs opposed.*)

The meeting formally adjourned at 10:41 a.m.