

## CHAPTER 4

### OCCUPATIONAL HEALTH AND SAFETY

#### §61. Safety Education and Training Fund

**1. Fund established.** To accomplish the objectives outlined in section 42-A, there is established in the State Treasury a special fund, known as the Safety Education and Training Fund. The safety fund shall be administered by the commissioner. The department shall have authority over the safety fund and may do all things necessary or convenient in the administration of the safety fund and shall formulate and adopt rules, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, governing its administration and maintenance, and perform all other functions which the laws of this State specifically authorize or which are necessary or appropriate. All money and securities in the safety fund shall be held in trust by the Treasurer of State for the purpose of funding the safety education and training program under section 42-A and shall not be money or property for the general use of the State. The fund shall not lapse. The Treasurer of State shall notify the commissioner and the Legislature of interest credited and the balance of the safety fund as of June 30th of each year. [PL 1985, c. 372, Pt. A, §7 (NEW).]

**1-A. Bureau of Insurance report.** On or before July 1st of each year, the Bureau of Insurance shall provide to the commissioner the amounts of actual losses, excluding medical payments, paid by each workers' compensation individual self-insurer and workers' compensation group self-insurer during the previous calendar year. [PL 1997, c. 126, §6 (NEW).]

**2. Source of funds.** The commissioner or the commissioner's designee shall annually assess a levy based on actual annual workers' compensation paid losses, excluding medical payments, paid in the most recent calendar year for which data is available by employers under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992. As soon as practicable after July 1st of each year, the commissioner or the commissioner's designee shall assess upon and collect from each insurance carrier licensed to do workers' compensation business in the State, and each group and individual self-insured employer authorized to make workers' compensation payments directly to their employees, a sum equal to that proportion of the current fiscal year's appropriation, exclusive of any federal funds, for the safety education and training program that the total workers' compensation benefits, exclusive of medical payments, paid by each licensed carrier or each group or individual self-insured employer, bear to the total of the benefits paid by all licensed carriers, and group and individual self-insured employers during the most recent calendar year for which data is available, except that the total amount levied annually may not exceed 1% of the total of the compensation benefits paid by all licensed carriers, and group and individual self-insured employers during the most recent calendar year for which data is available. A licensed carrier or group or individual self-insured must be assessed based on all benefits paid, exclusive of medical payments, during any year for which the carrier was licensed or the group or individual self-insured employer was authorized to make workers' compensation payments directly to their employees for any portion of the year. [PL 2013, c. 467, §2 (AMD).]

**3. Notice of assessments.** The Commissioner of Labor or the commissioner's designee shall send notice of the assessments to each licensed carrier and each group or individual self-insured employer. Payment of assessments must be received in an office of the Department of Labor designated by the commissioner before a date specified in the notice, but not more than 90 days after the date of the notice. The department may, through the rules governing this section, assess penalties for late payment. Such penalties may not exceed 6% per year.

[PL 2023, c. 12, §1 (AMD).]

**4. Assessments constitute element of loss.** The levy assessment constitutes an element of loss for the purpose of establishing rates for workers' compensation insurance. Funds derived from this levy must be deposited in the safety fund and must be appropriated by the Legislature for the operation of this program.

[PL 1993, c. 52, §2 (AMD).]

**5. Violations.** Any insurance company, group self-insured association or self-insured employer subject to this section that willfully fails to pay an assessment in accordance with this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged for each day payment is not made following the due date.

[PL 1993, c. 52, §3 (NEW).]

#### SECTION HISTORY

PL 1985, c. 372, §A7 (NEW). PL 1985, c. 819, §C5 (AMD). PL 1987, c. 559, §B8 (AMD). PL 1987, c. 660, §2 (AMD). PL 1991, c. 885, §E34 (AMD). PL 1991, c. 885, §E47 (AFF). PL 1993, c. 52, §§1-3 (AMD). PL 1997, c. 126, §6 (AMD). PL 1999, c. 57, §B5 (AMD). PL 2013, c. 467, §2 (AMD). PL 2023, c. 12, §1 (AMD).

#### §62. Occupational Safety Loan Fund

**(REPEALED)**

#### SECTION HISTORY

PL 1985, c. 372, §A7 (NEW). PL 1991, c. 9, §HH (AMD). PL 1991, c. 885, §E35 (AMD). PL 1991, c. 885, §E47 (AFF). PL 2001, c. 398, §§B1,2 (AMD). PL 2003, c. 451, §O1 (AMD). PL 2003, c. 673, §Q2 (RP).

#### §63. Occupational safety loans

**(REPEALED)**

#### SECTION HISTORY

PL 1985, c. 372, §A7 (NEW). PL 1987, c. 559, §§B9-B11 (AMD). PL 1989, c. 483, §§A35,A36 (AMD). PL 1991, c. 93, §§3,4 (AMD). PL 2001, c. 398, §§B3-5 (AMD). PL 2003, c. 451, §§O2,3 (AMD). PL 2003, c. 673, §Q3 (RP).

#### §64. Coverage

**1. Application of chapter.** This chapter applies to all employers, employees and places of employment in the State except employees of the Federal Government.

[PL 1985, c. 372, Pt. A, §7 (NEW).]

**2. Construction.** Nothing in this chapter may be construed to supersede or in any manner affect any workers' compensation law or to enlarge, diminish or affect in any manner common law or statutory rights, duties or liabilities of employers or employees under any law with respect to injuries, diseases or death of employees arising out of and in the course of employment.

[PL 1985, c. 372, Pt. A, §7 (NEW).]

#### SECTION HISTORY

PL 1985, c. 372, §A7 (NEW).

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