



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

May 12, 2026

A business meeting of the Maine Workers' Compensation Board of Directors was conducted remotely via Teams and in person at the Board's Bangor Regional Office at 396 Griffin Road, Bangor, Suite 105, on Tuesday, May 12, 2026.

BOARD MEMBERS PRESENT: John Rohde (*Executive Director/Chair*), Glenn Burroughs, Ronnie 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 10:00 a.m. with 43 people participating in person and via Teams. Board members introduced themselves for the recording.

I. APPROVAL OF MINUTES

1. Draft Minutes of the April 14, 2026 Business Meeting of the Board of Directors

Director Burroughs MOVED TO ACCEPT THE MINUTES OF THE APRIL 14, 2026 BOARD MEETING AS WRITTEN; Director Green SECONDED. **MOTION PASSED 5-0.**

II. SUBCOMMITTEE REPORTS

1. Budget Subcommittee

The Budget Subcommittee met to determine the annual assessment rate for FY2027.

Director Green MOVED TO ACCEPT THE BUDGET SUBCOMMITTEE'S RECOMMENDATION TO COLLECT AN ASSESSMENT OF \$13,694,563 AND TO AUTHORIZE BOARD STAFF TO RAISE \$5,857,809 FROM SELF-INSURED EMPLOYERS AND TO CHARGE INSURED EMPLOYERS A RATE OF 2.94% BASED ON AN ESTIMATED INSURED MARKET OF \$266,914,033. Director Gaudette SECONDED. **MOTION PASSED 5-0.**

III. EXECUTIVE DIRECTOR REPORT

1. Medical Fee Schedule

Information from the Maine Health Data Organization (MHDO) has been requested and will be used for the Medical Fee Schedule comprehensive review when it is available. Information from MHDO for 2025 is typically not available until later in the year.

IV. GENERAL COUNSEL REPORT

1. Personnel

The Advocate Division has been working to fill the vacancies for both support staff and vacancies. There are several new employees coming onboard. Kim Serber from the Lewiston Advocate Office has been promoted to senior paralegal. The Board has requested permission from the Attorney General's Office to enter into a contract with retired Advocate Maurie Libner to assist with training the newly hired advocates. We are waiting for the reply.

V. OLD BUSINESS

1. Legislation Updates

There are no legislative updates. If the Board wishes to submit legislation for the upcoming session, it can do so on December 1st.

2. Rules Group Updates

Executive Director Rohde reminded everyone that the stakeholder group's participation in the rules review process and the resulting changes to the Workers' Compensation Board's rules over the past year does not count as official public comment. The Board now must vote to move the rules into the public comment phase. This will start up the Board at this meeting is only to start the official process by sending the proposed rules out for legal pre-review.

Executive Director Rohde reviewed the remaining changes from last month's Board meeting feedback.

- Chapter 4: correction was made to state doctors must be licensed in Maine.
- Chapter 12: time frame changed from 30 days to 120 days in section 10 to be consistent with a previous decision in the stakeholder group to change from 30 days to 120 days.
- Chapter 3: pursuant to the proposed change for section 4, if incapacity benefit payments change from §212 (total) to §213 (partial), even if the payment amount remains the same, a modification form (WCB-4M) would have to be filed. Section 212 (4) requires that a cost-of-living adjustment be applied after 260 weeks of total benefits paid for injuries that occurred on and after January 1, 2020. The proposed change to section 4 would allow the Board to track payments to ensure compliance with the COLA law. Director Gaudette noted that when the Board vote yes to get the rulemaking process started, but she may cast a no vote

on the final rule is this provision is left in because Management stakeholders do not support this proposal.

- Chapter 8: there was no consensus regarding the Consent Between Employer and Employee form (WCB-4A) in the stakeholder group. Executive Director Rohde has suggested that the form is no longer needed. However, if the form is kept in use, the specific uses of the form need to be clarified (i.e. it should not be used in place of a 21-day discontinuance). Executive Director Rohde suggested that we strike out section 18 in the draft and see what is received for public comments. The Board can decide on a course of action from there.

Executive Director Rohde summarized the changes to chapter 12 and chapter 8 – to strike section 18 – and indicated separate chapter by chapter votes were not necessary.

Director Burroughs indicated a separate vote to strike chapter 8 section 18 was necessary.

Director Burroughs MOVED TO STRIKE OUT CHAPTER 8 SECTION 18 IN THE PROPOSED RULES GOING OUT FOR PUBLIC COMMENT. Director Gaudette SECONDED. **MOTION PASSED 5-0.**

Executive Director Rohde stated we are:

VOTING TO SEND OUT RULES AS DRAFTED, WITH THE CHANGES TO CHAPTER 8 REMOVING SECTION 18 AND THE CHANGE TO 120-DAYS IN CHAPTER 12, ALL THOSE IN FAVOR OF STARTING THE OFFICIAL PUBLIC COMMENT PERIOD. **VOTE 5-0.**

3. Annual Review of Board Forms

Executive Director Rohde reviewed the follow up from the April meeting regarding forms changes. The Board vote will make these changes official. The Board discussed what the effective date would be and decided on June 1, 2026 as the effective date with a grace period until September 1, 2026 to allow for changeover and programming.

MEMIC had follow up questions regarding forms, so the forms were distributed again to online participants, and a brief caucus was held before discussion continued. There were several questions about the lump sum settlement form (WCB-10) regarding the cost of some settlements and how that cost is calculated, particularly in light of settlements where life expectancy is a factor. Also noted were questions about which administrative costs are included in the settlement. More guidance will need to be provided.

Director Burroughs MOVED TO ADOPT THE REVISED FORMS AS DRAFTED WITH AN EFFECTIVE DATE OF JUNE 1, 2026. Director Green SECONDED. **MOTION PASSED 5-0.**

VI. NEW BUSINESS

1. Training

Deputy Director Kimberlee McCarson will be conducting in person training tomorrow on payment forms. Registration for this event is now full, but there will be more scheduled.

VII. ADJOURNMENT

Director Green MOVED TO ADJOURN. Director Gaudette SECONDED. **MOTION PASSED 4-1.** (*Director Burroughs opposed.*)

The meeting formally adjourned at 11:07 a.m.