



Property and Casualty Pool Announcement

The Board of Directors of the MMA Property and Casualty Pool met on June 5 to review the status of the program and approve the 2003-2004 Funding Model. The program has grown significantly over the last several years and as of June 1 there were a total of 400 participants in the Property and Casualty Pool.

The Board was advised that reinsurers have mandated significant additional information be provided before they will even consider offering quotations. Every location covered must now include an E911 address and its official Flood Zone designation, if applicable. We have included this information in our database and will not have to request it again, except for newly acquired or newly constructed property. The Board was pleased to learn that members had been very helpful in providing the additional information.

The Board reviewed the current status of the year ending June 30, 2003 and proposals for funding and reinsurance for the coming year. Based on the consulting actuary's evaluation, the program's strong financial condition and the cost of reinsurance, the Board voted to increase the Fund's retention from \$100,000 each loss to \$300,000 effective July 1, 2003.

During its sixteen-year history, the Pool has sustained only 39 losses greater than \$100,000. Increasing the retention to \$300,000 each claim saved more than \$400,000 in premium required by the reinsurers. That money will now remain in the program and earn investment income for the benefit of all the members.

The Board feels there is a distinct advantage in paying losses with its own reserve funds as they are incurred, rather than paying premiums to reinsurers to cover losses that may, or may not, occur.

The Pool has purchased property insurance in the total amount of \$305 million in addition to the \$1 million limit applying in the basic coverage. The Board believes this is a reasonable amount of excess coverage, as the total property values insured by the program exceed \$1.7 billion dollars.

However, the market for coverage for Flood and Earthquake is very restricted due to the number of natural catastrophes that have occurred countrywide in the last few years, especially floods. While we are able to provide an annual aggregate pool limit of \$60 million for Flood and Earthquake coverage, coverage for property located in Special Flood Hazard Areas (SFHA) is limited to a \$21 million annual aggregate total. As in the past, these sub limits would be prorated among the members who sustain loss during an insured catastrophe.

The Board is very pleased with the growth of the Property and Casualty Pool and its sound financial condition. It recognizes that the loyalty of its participants and their good risk management practices individually and collectively has made it a very successful program.

If you have any questions or would like additional information, please call Joan Conner, Director of Risk Management Services, at 1-800-590-5583.



**TITLE II OF THE ADA:
PUBLIC ENTITIES SERVING
MORE WITH LESS**

Did you know that one in five people, 20% of our population, has a disability (based on the 2000 U.S. Census)? We are living in a time of unprecedented demographic diversity, and more of the population appears to define themselves as having a disability. This presents a great challenge and a great opportunity to our nation’s public entities. The great challenge is that state and municipal governments must address accessibility within a climate of increased demand for services, while also having fewer resources with which to provide those services. A great opportunity lies in an awakening to the realization that disability has touched and will touch most of us at some point in our lives and that now is the time to create a society that guarantees people with disabilities equal access and equal treatment under the law.

Title II is the part of the Americans with Disabilities Act that guarantees people with disabilities equal access to and equal treatment by such public entities as state and municipal governments, public transportation, public education, and polling places. In essence, Title II provides that “no qualified individual with a disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by such entity.” (42 U.S.C. 12132). All state and local governments, their departments and agencies and any other instrumentalities or special purpose districts of state and local governments must adhere to Title II requirements.

The Municipal Risk Manager

The Municipal Risk Manager is published seasonally to inform you of developments in municipal risk management which may be of interest to you in your daily business activities. The information in these articles is general in nature and should not be considered advice for any specific risk management or legal question; you should consult with legal counsel or other qualified professional of your own choice.

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Presently, a person with a disability can file a complaint and sue a state for damages under Title II. This June, the Supreme Court had intended to decide whether states will be exempt from damages as a result of suits from individuals with disabilities under Title II. This decision was to be based upon the Supreme Court’s ruling of *Medical Board v. Hason Case* (No. 02-479). However, the State of California filed a formal motion with the Supreme Court to withdraw the case slated to have been heard by the Court on March 25.

Some cities are searching their souls and their pockets to provide equal access. In a time when resources are scarce, two cities are figuring out how to make their sidewalks accessible. New York City and Tallahassee, FL have made the commitment to accessibility and are now determined to find the resources to make their promise a reality. In addition, other cities across the country are dealing with increased paratransit demands and the rising cost of providing services.



This article is the Project Director’s Report on a project of Adaptive Environment, written by Oce Harrison, Project Director. Kind permission to reprint was granted by Andy Washburn, Editor, of “Access New England” a publication of the New England ADA & Accessible It Center, a project of Adaptive Environments, Inc., located at 374 Congress St., Suite 301, Boston MA 02210

***RISK MANAGEMENT SERVICES AT
2003 “HIGHWAY CONGRESS”***

On June 2nd, Kevin Perkins, John Foley and Ed MacDonald of the Loss Control Department staffed a booth at the MCAPWA Highway Congress. Risk Management Services participates in this event annually, and this year was one of the six “Time Out For Training” stations located throughout the Skowhegan Fairgrounds.

The training station featured a model trenching work site that allowed visitors to identify safety hazards through “inspection” and to learn about safe work practices.

In spite of the rain, many members visited the booth. We were impressed by the ability of many municipal employees to identify hazards and by their knowledge of trenching safety.



RECORDING OCCUPATIONAL INJURIES AND ILLNESSES IN THE PUBLIC SECTOR



All Maine Public sector employers with eleven or more employees are required to maintain records regarding employee occupational injuries and illnesses. Employers who had no more than ten employees at any time during the previous calendar year need not comply with all of the reporting requirements, but must maintain an injury log and complete certain supplemental records. This record keeping requirement is for the purpose of developing information regarding the causes and prevention of occupational injuries and illnesses, and for maintaining a program of collection, compilation and analysis of occupational safety and health statistics.

The State of Maine has adopted Federal OSHA Standard 29 CFR Part 1904, Recording and Reporting Occupational Injuries and Illness, including the use of forms 300, Log of Work-Related Injuries and Illnesses, 300A, Summary of Work-Related Injuries and Illnesses; and 301, Injury and Illness Incident Report, or equivalents. This recording system has replaced the former "OSHA 200 Log" and associated reports. The Maine Worker's Compensation First Report of Injury or Occupational Disease Form may be used to record supplemental information in place of the OSHA 301 Form as long as all information required on the 301 Form is collected. However, be aware that OSHA record keeping and Worker's Compensation reporting are different systems! At years end, the totals from the OSHA 300 Log must be transcribed onto the 300A Form.

The certified summary (300A, signed by a key official) must be posted for a three-month period from February 1st through April 30th, of the year following the year covered by the summary.

To obtain detailed information regarding recording occupational injuries and illnesses and obtaining forms contact:

The Bureau of Labor Standards
45 State House Station
Augusta, Maine 04333-0045
Telephone: 624-6400

www.state.me.us/labor/bls/blsmain.htm

(Click on – Public Sector Workplace Safety & Health or "Ask the Expert")

OR

www.osha.gov

(Click on – Regulations, 29 CFR, Part 1904)



GOOD NEWS!

We are pleased to announce that the Board of Trustees of the MMA Workers Compensation Fund and the Board of Directors of the MMA Property and Casualty Pool both met on June 5, 2003 and voted to approve the payment of dividends to eligible members of the program.

Dividends are based on individual member loss ratios for the expired fund year and will be calculated based on losses valued as of June 30, 2003. We expect that the dividend checks will be available for distribution in late July.



WELCOME NEW MEMBERS!!!



Property & Casualty Pool

Town of Garland
 Town of Addison
 Town of Robbinston
 Town of Orient
 Brunswick & Topsham Water
 Town of Meddybemps
 Town of Buxton
 Town of Southport
 Town of Tenants Harbor
 Town of Topsham
 York Sewer District
 Topsham Sewer District

Workers' Compensation Fund

Town of Limington
 Bowdoinham Water District
 Veazie Sewer District
 Town of Penobscot
 Town of Pownal
 York Sewer District
 Brunswick & Topsham Water
 Town of Jonesboro
 Town of Addison
 Town of Machias
 Town of Roque Bluffs
 Town of Meddybemps
 Wells Sanitary District
 Town of Beddington
 Cushing Rescue

THE IMPORTANCE OF THE MAINE TORT CLAIMS ACT

The Maine Tort Claims Act (MTCA) is a significant protection for Maine communities. This was illustrated very clearly in a recent decision by the U. S. District Court in New York upholding its conditions.



When Cheryl Main of the City of Portland's Risk Management office was arranging coverage for the Portland Jetport several years ago, she asked the insurance company to attach an endorsement that included the immunities, limitations and caps of the Act. The insurance company underwriter felt it was not necessary, as he thought it would not be upheld should a claim occur. Ms. Main persevered and the endorsement was added to the Jetport policy.

The City of Portland was named as a defendant in a number of lawsuits in the litigation that followed the events of September 11. The insurance company filed a motion to dismiss the claims based on the fact that the plaintiffs had failed to comply with the notice requirements of Section 8107 of the Maine Tort Claims Act. On May 21, 2003, Alvin K. Hellerstein, U. S. District Judge in the Southern District of New York, granted the motion to dismiss the claims against the City of Portland.



Long live the Maine Tort Claims Act!