

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 1044

H. P. 758

House of Representatives, January 31, 1961

Referred to Committee on Labor. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Binnette of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

**AN ACT Permitting Injured Employee Under Workmen's Compensation Act
to Choose Physician from Panel Named by Employer.**

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. R. S., c. 31, § 9, amended. Section 9 of chapter 31 of the Revised Statutes, as amended by chapter 289 of the public laws of 1959, is further amended by inserting after the first paragraph the following 3 paragraphs :

‘The employee shall have the right to choose an attending physician from a panel of a reasonable number of competent, suitable and impartial physicians to be named by the employer. The commission may, under rules prescribed by it, permit an injured employee to make selection of a physician not on the panel where specialized or extraordinary services are needed, or where employee is injured outside of this State, or in cases of emergency. If the employee is unable, due to the nature of the injury, to select his physician from a panel and the emergency nature of the injury requires immediate medical treatment and care, the employer shall promptly select for him a physician from the panel.

The commission shall determine what number of physicians constitutes a reasonable number of such panel. In determining the reasonableness of the size of the medical panel, the commission shall take into account the number of competent, suitable and impartial physicians or facilities conveniently available to or in the community in which the medical service is required, and where only one such physician is available, the tender of attention by such physician shall be construed as a compliance with this section unless specialized or extraordinary treatment is necessary which the physician cannot render. Every employer

shall post the names and addresses of the physicians on his panel in such manner as to afford his employees reasonable notice thereof.

If the employer has knowledge of the injury and the necessity for treatment, and shall fail to maintain such panel or fails to permit the employee to make choice of his physician from such panel, the injured employee may select a physician to render service at the expense of the employer.'

Sec. 2. R. S., c. 31, § 9, amended. The first 3 sentences of the 2nd paragraph of section 9 of chapter 31 of the Revised Statutes are amended to read as follows:

'Upon knowledge or notice of such injury the employer shall promptly ~~furnish~~ ~~make available~~ to the employee the services and aids aforesaid provided in this section. In case, however, the employer fails to furnish any of said services or aids, or in case of emergency or other justifiable cause, the employee may procure said services or aids and the commission may order the employer to pay for the same provided that they were necessary and adequate, and the charges therefor are reasonable. In every case where any of said services or aids are procured by the employee, it shall be his duty to see that the employer is given prompt notice thereof.'