

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1626

S. P. 652

In Senate, January 17, 1966

The Committee on Judiciary suggested.

EDWIN H. PERT, Secretary

Presented by Senator Stern of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SIX

**AN ACT to Revise the Workmen's Compensation Law.**

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

**Sec. 1. R. S., T. 39, § 52, amended.** The first paragraph of section 52 of Title 39 of the Revised Statutes, as repealed and replaced by section 1 of chapter 408 of the public laws of 1965, is amended to read as follows:

'An employee injured **by and** out of **an accident** and in the course of his employment shall be entitled to reasonable and proper medical, surgical and hospital services, nursing, medicines, and mechanical, surgical aids, as needed, paid for by the employer. An injured employee shall have the right to make his own selection of a physician or surgeon authorized to practice as such under the laws of the State from a panel of physicians and surgeons selected by the Industrial Accident Commission, for the services set forth.'

**Sec. 2. R. S., T. 39, § 55, amended.** Section 55 of Title 39 of the Revised Statutes, as amended by section 4 of chapter 408 of the public laws of 1965, is further amended to read as follows:

**§ 55. Compensation for partial incapacity**

While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to  $\frac{2}{3}$  the difference, due to said injury, between his average weekly wages, earnings or salary before the accident and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than  $\frac{2}{3}$  of the average weekly wage in the State of Maine as computed by the Employment Security Commission **and no less than the minimum of \$21**; and in no case shall the period covered by such

compensation be greater than 300 weeks from the date of the accident except for vocational rehabilitation services provided under sections 52 and 54.'

**Sec. 3. R. S., T. 39, § 110, amended.** Section 110 of Title 39 of the Revised Statutes, as enacted by section 11 of chapter 408 of the public laws of 1965, is amended to read as follows :

**'§ 110. Witness and attorney's fees allowable**

When the commission or commissioner finds that an employee has instituted proceedings under this chapter on reasonable grounds and in good faith **or that the employer through or under his insurance carrier has instituted proceedings under this chapter**, the said commission or commissioner may assess the employer costs of witness fees and a reasonable attorney's fee, when in the commission's or commissioner's judgment the said witnesses and the services of the said attorney were necessary to the proper and expeditious disposition of the case.'