

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1576

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H. P. 1373

House of Representatives, April 13, 1977

On motion of Mr. Bustin of Augusta, referred to the Committee on Labor.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Moody of Richmond.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Provide for the Provisional Payment of Certain Disability  
Benefits Pending the Outcome of a Workmen's Compensation Application.**

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

39 MRSA § III-A is enacted to read:

§ III-A. Provisional payment of disability benefits

1. No delay of disability benefits. If an employee is due benefits from an employer because of a personal injury or disease, an employer shall not delay or refuse payment of those benefits because the employee has filed a workmen's compensation claim based on that same personal injury or disease.

2. Repayment by employee. If an employee has received benefits as outlined in subsection 1 because of a personal injury or disease and has later prevailed on a workmen's compensation claim based on the same personal injury or disease, the employee shall repay to the employer, within 30 days of receiving the initial payment of workmen's compensation benefits, the value of all the benefits received under subsection 1.

STATEMENT OF FACT

When an employee is injured on the job or contracts a disease, there are occasions when the employer refuses to grant to the employee his benefits pending the outcome of a workmen's compensation hearing. Because it often takes several months to get a final decision from the Industrial Accident Commission, such a policy often prejudices the rights of the employee.

This bill provides that the employer must pay benefits due the employee because of a personal injury or disease without regard to any workmen's compensation claim. If the employee later prevails on a workmen's compensation claim based on the same personal injury or disease, then the employee must repay the employer the value of the provisionally paid benefits.