

# MAINE STATE LEGISLATURE

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D. OF R.

1

L.D. 1634

2

(Filing No. S-279 )

3

STATE OF MAINE

4

SENATE

5

112TH LEGISLATURE

6

FIRST REGULAR SESSION

7

SENATE AMENDMENT "A" to HOUSE AMENDMENT "C" to  
8 H.P. 1127, L.D. 1634, Bill, "AN ACT to Improve the  
9 Workers' Compensation System and Reform the Rate-  
10 making Process."

11

Amend the amendment in that part designated  
12 "§110.", in subsection 2, in the 5th, 6th and 7th  
13 lines (page 9, lines 36 to 38 in amendment) by strik-  
14 ing out the following: "and witness fees whenever the  
15 witness was necessary for the proper and expeditious  
16 disposition of the case"

17

Further amend the amendment in that part desig-  
18 nated "§110.", in subsection 2, by adding at the end  
19 the following:

20

'C. The commission or commissioner, in any pro-  
21 ceeding, brought or defended in good faith and  
22 upon reasonable grounds, may assess the employer  
23 costs, including transcript costs, medical evalu-  
24 ation costs or witness fees, when those costs, in  
25 the commission's judgment or commissioner's judg-  
26 ment, were necessary to the proper and expedi-  
27 tious disposition of the case. Costs do not in-  
28 clude costs for telephone, copying or travel by  
29 the employee's attorney.'

30

STATEMENT OF FACT

31

This amendment provides that the injured worker's  
32 attorney's fees and disbursements of the case are to  
33 be paid by the employer or insurer only if the worker  
34 wins his case.

D. OF R.

SENATE AMENDMENT " A " to HOUSE AMENDMENT "C" to H.P. 1127,  
L.D. 1634

1           A disabled worker usually has no money either to  
2 pay a lawyer or to obtain evaluations from physi-  
3 cians, specialists and other expert witnesses. A  
4 lawyer may be willing to take the case and invest his  
5 time if he thinks he can win, but physicians and oth-  
6 er expert witnesses do not provide services based on  
7 the possibility of winning. The experts must be  
8 guaranteed payment or they will not be available.

9           The insurer guarantees payment to its experts.  
10 Consequently, the insurer will always have experts,  
11 but the disabled worker will often be unable to af-  
12 ford matching experts. Thus, balance will be lost.  
13 This amendment provides that the experts, but not the  
14 lawyer, may be paid if the case is brought or de-  
15 fended on an honest and reasonable basis even if they  
16 do not prevail.

17

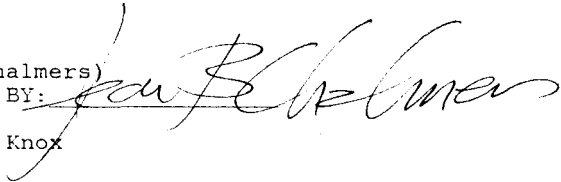
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(Sen. Chalmers)

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