

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 318

S.P. 119

In Senate, February 10, 1987

Reference to the Committee on Labor suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator TWITCHELL of Oxford.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT Relating to the Review of Benefits  
under the Workers' Compensation Act.

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

Sec. 1. 39 MRSA §100, sub-§2, as amended by PL 1985, c. 372, Pt. A, §36, is repealed and the following enacted in its place:

2. Standard for review. The basis for granting relief under this section is as follows.

A. On a petition for review, the commissioner shall determine the appropriate relief, if any, by determining the employee's present degree of incapacity. For purposes of a petition brought under this paragraph, evidence of the employee's

1 medical condition or the economic circumstances  
2 at the time of an earlier determination or ap-  
3 proved agreement is relevant only if it tends to  
4 prove the present degree of incapacity.

5 B. Except as provided in paragraph C, once a  
6 party has sought and obtained a determination un-  
7 der this section, a subsequent petition for re-  
8 view by that party may not be considered prior to  
9 6 months after that determination.

10 C. A party may, at any time, obtain a review un-  
11 der this section if he proves by comparative med-  
12 ical evidence or by evidence of a change in eco-  
13 nomical circumstances that the employee's earning  
14 capacity has changed since the most recent deter-  
15 mination under this section. The 6-month time  
16 limitation provided in paragraph B does not apply  
17 to petitions brought under this paragraph.

18 Sec. 2. 39 MRSA §100, sub-§5, as enacted by PL  
19 1981, c. 514, §4, is repealed and the following en-  
20 acted in its place:

21 5. Medical examination. Upon the request of the  
22 employer, the employee shall submit to examination by  
23 a physician or surgeon from the geographical area  
24 where the employee resides. The fee for the examina-  
25 tion shall be paid by the employer. Payment of com-  
26 ensation may be decreased or suspended by the com-  
27 missioner pending a hearing on the petition if:

28 A. The physician or surgeon certifies to the  
29 commission after examination that in his opinion  
30 the employee is able to resume work;

31 B. The employee refuses to submit to an examina-  
32 tion; or

33 C. Compensation may be decreased or suspended  
34 pending a hearing under this subsection only if:

35 (1) The employer has provided the employee  
36 with written notice that benefits may be de-  
37 creased or suspended, together with a summa-  
38 ry of the reasons for the proposed decrease  
39 or suspension; and

