

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 916

S.P. 346

In Senate, March 23, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

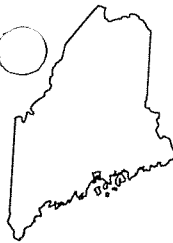
Presented by Senator GAUVREAU of Androscoggin.

Cosponsored by Senator BUSTIN of Kennebec, Representative McKEEN of Windham and Representative TRACY of Rome.

STATE OF MAINE

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

An Act to Reduce Hardship for Injured Workers.



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

3 39 MRSA §111-A, sub-§3 is enacted to read:

5 3. Provisional payments to employees and reimbursement by
6 the Second Injury Fund. Notwithstanding any other provision of
7 this Act, the commission may issue provisional orders against
8 insurers or self-insured employers to pay interim weekly
9 compensation benefits pending hearing and decision. The
10 commission shall promulgate rules to limit any such orders to
11 claims by employees who have seriously disabling injuries, who
12 are themselves and their dependents financially necessitous and
13 who appear to have likelihood of prevailing in this claim. The
14 commission shall also promulgate rules to allow swift
15 determination of requests for provisional orders. The
16 provisional order may be handled administratively and need not be
17 heard by the commissioner assigned the claim for informal
18 conference or formal hearing. If the employee does not prevail
19 after hearing and decision under section 99, the insurer or
20 self-insurer may recoup from the Second Injury Fund amounts paid
21 to the employee; if the employee does prevail, the insurer or
22 self-insurer shall pay into the Second Injury Fund an amount
23 equal to 50% of benefits paid to the injured employee during the
24 pendency of the provisional order. The commission shall
25 promulgate rules to specifically define the rights and duties of
26 the parties and the use of the Second Injury Fund, consistent
27 with this subsection.

29

STATEMENT OF FACT

31

32 This bill provides for immediate provisional orders of
33 workers' compensation benefits in a few select hardship claims.
34 It also provides a reimbursement mechanism using the Second
35 Injury Fund under section 57.

37

38 Direct payments to an employee shall be made from the Second
39 Injury Fund in the event that the insurer or self-insurer fails
40 to make timely provisional payments. In such a case, the Second
41 Injury Fund shall recoup payments made from the insurer or
self-insurer.