

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1558

S.P. 555

In Senate, May 9, 1989

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

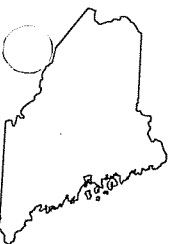
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

STATE OF MAINE

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

An Act to Clarify the Provisional Payments Provision of the Workers'
Compensation Law Regarding Disability and Medical Payments.



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

3 39 MRSA §111-A, as amended by PL 1977, c. 696, §408, is
repealed and the following enacted in its place:

5 §111-A. Provisional payment of certain disability benefits

7
9 1. No delay of benefits. If an employee is due benefits
11 from an employer, an insurer, a trust fund or other entity under
13 any insured or other disability plan or any insured or other
15 medical or hospital payment plan because of a personal injury,
17 disease, disability or the need for treatment or hospitalization,
19 the employer, insurer, trust fund or other entity shall not delay
or decline to make payments because the employee has filed a
workers' compensation claim or because of any exclusion of
coverage, work injuries, or occupational diseases or because of
workers' compensation claims regarding the same period of
disability, or the need for treatment of the same injury or
disease.

21 2. Repayment. If an employee has received benefits, or if
23 payments are made on the employee's behalf as described in
25 subsection 1, and the employee later prevails on a workers'
27 compensation claim based on the same personal injury or disease,
29 the value of all such payments may be offset by the employer,
insurer, trust fund or other entity. If the value is not offset,
it shall be repaid to the employer, insurer, trust fund or
provider of benefits within 30 days after the employee receives
notice of payment of workers' compensation benefits for the
injury or occupational disease.

31 3. Commission enforcement. The commission shall have
33 authority over the application of any person interested in the
35 matter, without the necessity for a formal hearing, to issue an
37 order that shall be binding on all parties including insurers and
39 others for payment and repayment of amounts considered under this
section. No provision in any policy of insurance in or
concerning any risk located or to be paid within this State shall
be given any force or effect which is contrary to or in any way
diminishes the rights and duties created by this section.

41
43 STATEMENT OF FACT

45 This bill eliminates any possible ambiguity in the purpose
47 of the Maine Revised Statutes, Title 39, section 111-A, and
49 mandates Workers' Compensation Commission enforcement of the
51 provisions of this section. Title 39, section 111-A is intended
to provide weekly disability and medical and hospital benefits
without delay to an injured employee or provider as appropriate.
However, because of an alleged ambiguity the legislative goal has
not been realized, and injured workers and providers of medical
care have been harmed and inconvenienced by delays in payments.