

MAINE STATE LEGISLATURE

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L.D. 1671

(Filing No. S-369)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "J " to COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the amendment in that part designated "PART D" by inserting after section 2 the following:

Sec. 5. 39 MRSA §51-B, sub-§7, as amended by PL.1989, c. 256, §3, is further amended to read:

7. Notice of controversy. If the employer, prior to making payments under subsection 3, controverts the claim to compensation, the employer shall file with the commission, within 14 days after an event which gives rise to an obligation to make payments under subsection 3, a notice of controversy in a form prescribed by the commission. If the employer, prior to making payments under subsection 4, controverts the claim to compensation, the employer shall file with the commission, within 75 or 90 days, as applicable, after an event which gives rise to an obligation to make payments under subsection 4, a notice of controversy in a form prescribed by the commission. The notice shall indicate the name of the claimant, name of the employer, date of the alleged injury or death and the grounds upon which the claim to compensation is controverted. The employer shall promptly furnish the employee with a copy of the notice.

If, at the end of the 14-day period in subsection 3 or the 90-day or 75-day periods in subsection 4, the employer has not filed the notice required by this subsection, the employer shall begin payments as required under those subsections. In the case of compensation for incapacity under subsection 3, the employer may cease payments and file with the commission a notice of controversy, only as provided in this subsection, no later than 44 days after an event which gives rise to an obligation to make

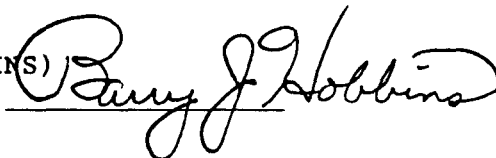
1 payments under subsection 3. Failure to file the required notice
of controversy prior to the expiration of the 44-day period, in
3 the case of compensation under subsection 3, constitutes
acceptance by the employer of the compensability of the injury or
5 death. Failure to file the required notice of controversy does
not constitute such an acceptance by the employer when it is
7 shown that the failure was due to employee fraud or excusable
neglect by the employer, except when payment has been made and a
9 notice of controversy is not filed within 44 days of that
payment. Failure to file the required notice of controversy
11 prior to the expiration of the 90-day period under subsection 4
constitutes acceptance by the employer of the extent of
13 impairment claimed. Failure to file the required notice of
controversy prior to the expiration of the 75-day period under
15 subsection 4 for compensation for medical expenses, aids or other
services pursuant to section 52 constitutes acceptance by the
17 employer of the reasonableness and propriety of the specific
medical services for which compensation is claimed and requires
19 payment for those services, but does not constitute acceptance of
the compensability of the injury or death.

21 If, at the end of the 44-day period the employer has not filed a
23 notice of controversy, or if, pursuant to a proceeding before the
commission, the employer is required to make payments, the
25 payments may not be decreased or suspended, except as provided in
section 100.'

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STATEMENT OF FACT

31 Public Law 1989, chapter 256, section 1, amended the Maine
33 Revised Statutes, Title 39, section 51-B, subsection 4, to reduce
the time period in which an employer must pay for medical
35 services provided to an injured employee from 90 to 75 days.
Chapter 256, section 3, amended the Maine Revised Statutes, Title
37 39, section 51-B, subsection 7, to reflect that change but did
not correct one reference to the 90-day period. This amendment
39 corrects that omission.

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43 (Senator HOBBINS)
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