

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1328

S.P. 490

In Senate, March 28, 1991

Reference to the Committee on Labor suggested and ordered printed.

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

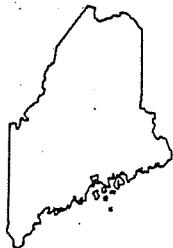
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland
Cosponsored by Senator GAUVREAU of Androscoggin, Representative McKEEN of
Windham and Representative RAND of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

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



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

2
39 MRSA §111-A, as amended by PL 1989, c. 468, is repealed
4 and the following enacted in its place:

6 §111-A. Provisional payment of certain disability benefits

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

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

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

45 This bill eliminates any possible ambiguity in the purpose
46 of the Maine Revised Statutes, Title 39, section 111-A, and
47 mandates enforcement of the provisions of that section by the
48 Workers' Compensation Commission. Title 39, section 111-A is
49 intended to provide weekly disability and medical and hospital
50

benefits without delay to an injured employee or provider as
2 appropriate. However, because of an alleged ambiguity the
legislative goal has not been realized, and injured workers and
4 providers of medical care have been harmed and inconvenienced by
delays in payments.