

# MAINE STATE LEGISLATURE

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L.D. 1957

(Filing No. H- 696)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to H.P. 1372, L.D. 1957, Bill, "An Act to Improve the Maine Workers' Compensation System"

Amend the bill in section 21 in the 2nd line (page 9, line 48 in L.D.) by striking out the following: "may" and inserting in its place the following: 'shall' and in the 3rd line (page 9, line 49 in L.D.) by striking out the following: "up to 10%" and inserting in its place the following: '15%'

Further amend the bill in section 36 in subsection 7 in the 32nd, 33rd and 34th lines (page 24, lines 24 to 26 in L.D.) by striking out the following: "or with commercial paper within the 3 highest short-term rating categories established by Moody's Investors Service, Inc. or Standard and Poor's Corporation"

Further amend the bill in section 39 in subsection 7 in the first blocked paragraph in the 8th line (page 25, line 46 in L.D.) by striking out the following: "44" and inserting in its place the following: '-44- 75' and in the 11th line (page 25, line 49 in L.D.) by striking out the following: "44-day" and inserting in its place the following: '-44-day 75-day' and in the 18th line (page 26, line 6 in L.D.) by striking out the following: "44" and inserting in its place the following: '-44- 75'

Further amend the bill in section 39 in subsection 7 in the 2nd blocked paragraph in the first line (page 26, line 19 in L.D.) by striking out the following: "44-day" and inserting in its place the following: '-44-day 75-day'

Further amend the bill in section 40 in subsection 8 in the first line (page 26, line 28 in L.D.) by striking out the following: "44-day" and inserting in its place the following: '-44-day 75-day'

2 Further amend the bill in section 40 in subsection 8 in the  
new blocked paragraph in the 5th line (page 26, line 46 in L.D.)  
4 by striking out the following: "~~44-day~~" and inserting in its  
place the following: '75-day' and in the 7th line (page 26, line  
6 48 in L.D.) by striking out the following: "~~44-day~~" and  
inserting in its place the following: '75-day'

8  
Further amend the bill in section 42 in that part designated  
10 "§52-A." in subsection 1 in the 9th line (page 27, line 34 in  
L.D.) by inserting after the following: "relates" the  
12 following: 'only'

14 Further amend the bill in section 42 in that part designated  
"§52-A." in subsection 2 by striking out all of the 2nd new  
16 blocked paragraph (page 29, lines 5 to 10 in L.D.) and inserting  
in their place the following:

18  
'The commission shall adopt by rule a form identical to Form  
20 3204, as revised February 12, 1985, utilized by the Minnesota  
Workers' Compensation Division of the Department of Labor and  
22 Industry for use in making the reports required by this  
subsection.'

24  
Further amend the bill in section 46 in that part designated  
26 "§52-D." by striking out all of subsection 1 and inserting in its  
place the following:

28  
1. List of providers. The commission shall obtain from  
30 professional associations from each of the medical fields that  
the commission finds most commonly used by injured employees a  
32 list of health care providers experienced and competent in the  
treatment of work-related injuries to serve on review panels.'

34  
Further amend the bill in section 46 in that part designated  
36 "§52-D." in subsection 3 in the 7th line (page 31, line 1 in  
L.D.) by striking out the following: "~~up to~~" and in the 9th line  
38 (page 31, line 3 in L.D.) by inserting after the following:  
"appointment," the following: 'The chair shall appoint to the  
40 panel 2 providers from the health care field of the provider  
whose services are being reviewed and one provider from another  
42 health care field.'

44  
Further amend the bill in section 48 in subsection 2 in the  
4th line from the end (page 33, line 16 in L.D.) by inserting  
46 after the following: "employment" the following: ', the  
distance the employee customarily commuted prior to the injury,'  
48 and in the last line by inserting after the following:  
"reasonable" the following: ', unless the employee customarily  
50 commuted over 100 miles prior to the injury'

2 Further amend the bill in section 48 in subsection 3 in the  
5th line (page 33, line 25 in L.D.) by striking out the  
4 following: "if the injury caused" and inserting in its place the  
following: 'if there is'

6  
8 Further amend the bill in section 83 in that part  
designated: "§99-D." in subsection 1, in paragraph A in the 2nd  
line (page 47, line 7 in L.D.) by inserting after the following:  
10 "employer" the following: 'or becomes self-employed'

12 Further amend the bill in section 83 in that part  
designated: "§99-D." in subsection 2, in paragraph A in the 2nd  
14 line (page 47, line 32 in L.D.) by inserting after the following:  
"or another employer" the following: 'or becomes self-employed'

16  
18 Further amend the bill in section 83 in that part  
designated: "§99-D." in subsection 4 in the 2nd line (page 47,  
line 47 in L.D.) by inserting after the following:  
20 "discontinued" the following: 'or reduced'

22 Further amend the bill in section 87 in that part  
designated: "§100-B." in subsection 2 in the 4th line (page 49,  
24 line 42 in L.D.) by striking out the following: "the filing of a  
petition" and inserting in its place the following: 'notice to  
26 the employer'

28 Further amend the bill in section 87 in that part  
designated: "§100-B." in subsection 2 by striking out all of  
30 paragraph B and inserting in its place the following:

32 'B. The employee's employment has been involuntarily  
34 terminated or suspended without good cause.

36 Within 14 days after filing a notice under paragraph A the  
employee must provide a report from a health care provider  
38 confirming that the employee was unable to perform due to the  
effects of the employee's prior compensable injury. If this  
40 report is not provided to the commission and the employer within  
this time period, the employee's compensation may be reduced to  
42 the amount being paid immediately before the petition was filed  
and the employee must file a petition for restoration of  
44 compensation under section 100.'

46 Further amend the bill in section 90 in subsection 3-A in  
the 2nd, 3rd and 4th lines (page 51, lines 31 to 35 in L.D.) by  
striking out the following: "that the sole issue to be  
48 determined on a petition for apportionment is the apportionment  
of relative responsibility among liable insurers for" and

inserting in its place the following: 'that 2 or more insurers are liable for'

## STATEMENT OF FACT

This amendment accomplishes the following:

1. Mandates that the Superintendent of Insurance adopt rules to establish dividend plans and premium credits of 15% for qualifying safety programs;

2. Clarifies that a medical release authorizes the health care provider to release only information that relates to the injury or disease for which compensation is claimed;

3. Requires the adoption of a form used by the Minnesota Workers' Compensation Division for use in making uniform medical reports;

4. Removes the commercial paper standard for banks issuing letters of credit;

5. Clarifies that the Chair of the Workers' Compensation Commission must obtain lists of health care providers to serve on the medical utilization review panel from the professional associations of health care fields, and that the chair must appoint to the panel 2 providers from the same field as the provider being reviewed and 1 provider from another field;

6. Clarifies that a commissioner must consider an employee's pre-injury customary commute in determining the "reasonable commute" work search standard, and that a commute of more than 100 miles one way may be considered reasonable if the employee customarily commuted more than 100 miles one way before the injury;

7. Extends the time limit required to file a notice of controversy for incapacity benefits from 44 days to 75 days;

8. Clarifies that the provision allowing automatic discontinuance or reduction of benefits includes self-employment by the employee;

9. Provides that an employee seeking to have benefits restored during a trial work period may do so by notice to the employer instead of by filing a petition;

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10. Clarifies that benefits may be restored if the employee is terminated or suspended during a trial work period only if the termination or suspension is without good cause; and

11. Clarifies that the commission must apportion liability  
6 pro rata between insurers based upon the number of insurers  
whenever the commission determines that 2 or more insurers are  
8 liable for a period of incapacity.

Filed by Rep. Mitchell of Vassalboro  
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