

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
THIRD SPECIAL SESSION

HOUSE AMENDMENT "I" to H.P. 1783, L.D. 2464, Bill, "An Act to Reform the Workers' Compensation Act and Workers' Compensation Insurance Laws"

Amend the bill in Part A in section 8 in that part designated "~~§312.~~" by striking out all of subsection 7 (page 60, lines 42 to 51 in L.D.) and inserting in its place the following:

'7. Weight. If the party agrees to a medical examiner, the examiner's findings are binding. If the board assigns an independent medical examiner, the board shall adopt the medical findings of the independent medical examiner unless there is substantial evidence to the contrary in the record that does not support the medical findings. Contrary evidence does not include medical evidence not considered by the independent medical examiner. The board shall state in writing the reasons for not accepting the medical findings of the independent medical examiner.'

STATEMENT OF FACT

This amendment requires that the funding of the independent medical examiner be adopted by the Workers' Compensation Board unless there is substantial evidence to the contrary. This prevents the strong probability that the provision requiring that the findings of the independent medical examiner be adopted unless there is "clear and convincing" evidence to the contrary will be found unconstitutional. An identical provision in the Florida law requiring clear and convincing evidence was found to be unconstitutional by a Florida court.

Filed by Rep. Pineau of Jay
Reproduced and distributed under the direction of the Clerk of the House
10/2/92 (Filing No. H-1353)