

# MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "M" 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 "§313." by striking out all of subsections 1 and 3 and inserting in their place the following:

'1. Procedure. Controversies must be referred promptly to mediation; but the board may adopt rules providing for waiver or bypass of mediation when it considers appropriate.

3. Conclusion. At the conclusion of mediation, the mediator shall file with the board a written report signed by the parties and the mediator. It must contain the information required by section 305, state all matters that have been agreed upon and specify the facts and legal issues remaining in dispute. If the claim appears to have substantial merit, the mediator has power to compel the employer to pay without prejudice:

A. Costs for obtaining medical records;

B. The employee's mediation travel costs;

C. Reasonable medical expenses necessary for evaluation of the employee's injury; and

D. Interim weekly benefits from the date of injury until final hearing in an amount not to exceed 50% of the employee's rate of compensation for total incapacity.

In the event the claim is ultimately denied, these payments may later be recovered against the employee by order of the board, which must determine the amount of overpayment, if any, and the

2 method by which it must be repaid. The board shall consider the  
4 financial situation of the employee and the employee's family and  
6 may not order repayment that creates undue hardship or injustice.'

8 **FISCAL NOTE**

10 This amendment may reduce the amount of savings resulting  
12 from the bill's changes to workers' compensation benefits. The  
14 effect on the estimated savings to the State and local units of  
16 government as employers can not be estimated at this time.

18 **STATEMENT OF FACT**

20 This amendment gives the Workers' Compensation Board  
22 discretion to bypass or waive mediation in certain cases and  
gives the mediator authority to grant some interim relief pending  
a final hearing.

Filed by Rep. Cathcart of Orono  
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House  
10/2/92 (Filing No. H-1360)