

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)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

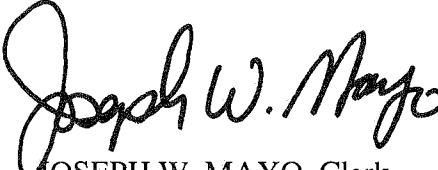
No. 1318

H.P. 955

House of Representatives, March 4, 1997

**An Act to Clarify the Doctrine of Res Judicata in Workers'
Compensation Cases.**

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Representatives: FRECHETTE of Biddeford, RINES of Wiscasset,
SAMSON of Jay, SHANNON of Lewiston, Senator: CATHCART of Penobscot.

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

4 Sec. 1. 39-A MRSA §224 is enacted to read:

6 **§224. Matters not known by parties**

8 If either by agreement or decree the board has determined
10 that the effects of a compensable injury have ended, an employee
12 may seek a restoration of benefits by filing a petition with the
14 board if the employee comes into possession of medical data,
16 tests, findings, diagnoses or other matters that were not before
18 known to the parties or litigated before the board. This
20 petition for benefits may not be barred by the doctrine of res
22 judicata. This section applies to all injuries, regardless of
24 the date of the injury.

26 **SUMMARY**

28 This bill provides that if the Workers' Compensation Board
30 has determined that the effects of a compensable injury have
32 ended, an employee may seek a restoration of benefits if the
34 employee comes into possession of medical information that was
36 not before known to the parties or litigated before the board.