

MAINE STATE LEGISLATURE

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DATE: 5-22-97

(Filing No. H-641)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S.P. 491, L.D. 1523, Bill, "An Act to Make the Workers' Compensation System More Equitable"

Amend the amendment by inserting after section 5 the following:

Sec. 6. 39-A MRSA §205, sub-§9, ¶B, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

B. In all circumstances other than the return to work or increase in pay of the employee under paragraph A, if the employer, insurer or group self-insurer determines that the employee is not eligible for compensation under this Act, the employer, insurer or group self-insurer may discontinue or reduce benefits only in accordance with this paragraph.

(1) If no order or award of compensation or compensation scheme has been entered, the employer, insurer or group self-insurer may discontinue or reduce benefits by sending a certificate by certified mail to the employee and to the board, together with any information on which the employer, insurer or group self-insurer relied to support the discontinuance or reduction. The employer may discontinue or reduce benefits no earlier than 21 days from the date the certificate was mailed to the employee. The certificate must advise the employee of the date when the employee's benefits will be discontinued or reduced, as well as other information as prescribed by the board, including the employee's appeal rights.

2 (2) If an order or award of compensation or
3 compensation scheme has been entered, the employer,
4 insurer or group self-insurer shall petition the board
5 for an order to reduce or discontinue benefits and may
6 not reduce or discontinue benefits until ~~the matter has~~
7 ~~been finally resolved through the dispute resolution~~
8 ~~procedures of this Act, any appeal proceedings have~~
9 ~~been completed and~~ an order of reduction or
10 discontinuance has been entered by the board.
11 Compensation must be reduced or discontinued from the
12 date of the board's order or decision as provided in
13 section 324, subsection 1.'

14 Further amend the amendment by inserting after section 6 the
15 following:

16 'Sec. 7. 39-A MRSA §324, sub-§1, as enacted by PL 1991, c.
17 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

18 1. Order or decision. The employer or insurance carrier
19 shall make compensation payments within 10 days after the receipt
20 of notice of an approved agreement for payment of compensation or
21 within 10 days after any order or decision of the board awarding
22 compensation. If the board enters a decision awarding
23 compensation and an appeal is filed with the Law Court pursuant
24 to section 322, payments may not be suspended while the appeal is
25 pending. If the board, after a review of incapacity pursuant to
26 section 205, subsection 9, paragraph B, subparagraph (2), issues
27 an order or decision suspending or reducing compensation to an
28 employee, compensation must be suspended or reduced in accordance
29 with and from the date of the board's order or decision,
30 notwithstanding any motion for findings of fact or conclusions of
31 law filed pursuant to section 318 or any petition or appeal to
32 the Law Court as provided in section 322. The employer or
33 insurer may recover from an employee payments made pending appeal
34 to the Law Court if and to the extent that the Law Court has
35 decided that the employee was not entitled to the compensation
36 paid. The board has full jurisdiction to determine the amount of
37 overpayment, if any, and the amount and schedule of repayment, if
38 any. The board, in determining whether or not repayment should be
39 made and the extent and schedule of repayment, shall consider the
40 financial situation of the employee and the employee's family and
41 may not order repayment that would work hardship or injustice.'

42 Further amend the amendment by relettering or renumbering
43 any nonconsecutive Part letter or section number to read
44 consecutively.

SUMMARY

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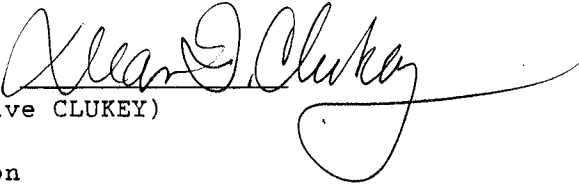
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This amendment provides that, if the Workers' Compensation Board orders the suspension of benefits following a previous order allowing benefits, the employer must discontinue benefits while the employee's appeal to the Law Court is in progress.

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SPONSORED BY: 
(Representative CLUKEY)

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TOWN: Houlton

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