

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1510

S.P. 509

In Senate, February 25, 1999

An Act to Clarify the Medical Fee Schedule in Workers' Compensation Cases.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MITCHELL of Penobscot.
Cosponsored by Representative BROOKS of Winterport and
Senators: ABROMSON of Cumberland, BENNETT of Oxford, Representatives: BAKER of
Bangor, BRAGDON of Bangor, LOVETT of Scarborough, SAXL of Bangor, TREADWELL
of Carmel.

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

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Sec. 1. 39-A MRSA §209, sub-§2, as enacted by PL 1991, c. 885,
4 Pt. A, §8 and affected by §§9 to 11, is amended to read:

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2. Payment for services. A health facility or health care
7 provider must be paid either its usual and customary charge for
8 any health care services or the maximum charge established under
the rules adopted pursuant to subsection 1, whichever is less.
10 This charge may not be reduced by attorney's fees.

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Sec. 2. 39-A MRSA §325, sub-§3, as enacted by PL 1991, c. 885,
14 Pt. A, §8 and affected by §§9 to 11, is amended to read:

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3. Rules. The board shall adopt rules to prescribe maximum
16 attorney's fees and the manner in which the amount is determined
and paid by the employee. The maximum attorney's fees prescribed
18 by the board in a case tried to completion may not exceed 30% of
the benefits accrued, after deducting reasonable expenses
20 incurred on behalf of the employee, or be based on a weekly
benefit amount after coordination that is higher than 2/3 of the
22 state average weekly wage at the time of injury. An award of
unpaid medical claims may not be reduced by attorney's fees. The
24 board may by rule allow attorney's fees to be increased above or
decreased below the amount specified in the rule when in the
26 discretion of the board that action is determined to be
appropriate.

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SUMMARY

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This bill prohibits unpaid medical claims in workers'
34 compensation cases from being reduced by contingent attorney's
fees.