

MAINE STATE LEGISLATURE

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M
R.S.

L.D. 534

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LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 413, L.D. 534, Bill, "An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 39-A MRSA §222, sub-§1, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is repealed and the following enacted in its place:

1. No delay of benefits. Payment of benefits due a person under an insured disability plan or insured medical payments plan may not be delayed or refused because that person has filed a workers' compensation claim based on the same personal injury or disease.

Sec. 2. 39-A MRSA §222, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

2. **Repayment.** If an--employee a person has received benefits, as described in subsection 1, because of a personal injury or disease and has later prevailed on a workers' compensation claim based on the same personal injury or disease, the value of all such benefits may be offset by the employer or respective insurance carriers against the payments of workers' compensation benefits, and, if the benefits are not offset, the employee person shall repay to the employer or insurer, within 30 days of receiving the initial payment of workers' compensation benefits, the value of all the benefits received under subsection 1.'

COMMITTEE AMENDMENT

2 Further amend the bill by inserting at the end before the
summary the following:

4
6 **FISCAL NOTE**

8 The Bureau of Insurance within the Department of
Professional and Financial Regulation will incur some minor
10 additional costs to revise an existing rule. These costs can be
absorbed within the bureau's existing budgeted resources.'

12
14 **SUMMARY**

16 This amendment rewrites the language of the bill to clarify
that provisional payments are required only from insurers under
18 disability and medical insurance policies, not from all 3rd-party
insurers. The amendment prohibits the delay or refusal of
provisional payments from a disability or medical insurance
20 policy, regardless of whether the person seeking payment is
covered under the employer's policies or those of another person
22 such as a spouse or the spouse's employer.