

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 510

H.P. 395

House of Representatives, February 6, 2003

**An Act To Reimburse Employees for Attorney's Fees and Costs
When Forced To Pursue Petitions for Payment of Medical Services**

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WATSON of Bath.
Cosponsored by Representatives: HUTTON of Bowdoinham, PATRICK of Rumford.

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

2

4 **Sec. 1. 39-A MRSA §318, 2nd ¶**, as enacted by 1999, c. 410, §2,
is amended to read:

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7 The hearing officer, upon motion by the petitioning party,
8 may include a finding in the decree that the employer's refusal
9 to pay the benefits at issue was not based on any ~~rational~~
10 reasonable grounds developed between the claim and formal
11 hearing. Upon such a finding, the hearing officer shall order
12 the employer to reimburse the employee for reasonable attorney's
13 fees and costs incurred in obtaining the medical benefits at
14 issue and the employer shall pay interest to the employee under
15 section 205, subsection 6 at a rate of 25% per annum from the
16 date each payment was due, instead of 10% per annum.

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SUMMARY

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21 This bill requires a workers' compensation hearing officer
22 to order an employer to pay reasonable attorney's fees and costs
23 incurred by an employee if the hearing officer finds that the
24 employer's refusal to pay medical benefits was not based on any
reasonable grounds.