

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 302

S.P. 97

In Senate, January 19, 2005

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### **An Act To Encourage Parties To Agree to the Selection of Independent Medical Examiners in Workers' Compensation Cases**

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Reported by Senator STRIMLING for the Workers' Compensation Board pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11.

Reference to the Committee on Labor suggested and ordered printed under Joint Rule 218.

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

JOY J. O'BRIEN  
Secretary of the Senate

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

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**Sec. 1. 39-A MRSA §312. sub-§7.** as enacted by PL 1991, c. 885,  
4 Pt. A, §8 and affected by §§9 to 11, is amended to read:

6 ~~7. Weight. If the parties agree to a medical examiner, the~~  
~~examiner's findings are binding. If the board assigns an~~  
8 ~~independent medical examiner, the~~ The board shall adopt the  
10 medical findings of the independent medical examiner unless there  
12 is clear and convincing evidence to the contrary in the record  
14 that does not support the medical findings. Contrary evidence  
does not include medical evidence not considered by the  
independent medical examiner. The board shall state in writing  
the reasons for not accepting the medical findings of the  
independent medical examiner.

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**SUMMARY**

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The purpose of this bill is to encourage parties in a  
workers' compensation case to agree to the selection of  
22 independent medical examiners by establishing that, whether or  
not the parties have agreed to the selection of an independent  
24 medical examiner, the examiner's findings must be adopted unless  
there is clear and convincing evidence to the contrary in the  
26 record that does not support the medical findings.