

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY - SEVENTH LEGISLATURE

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Legislative Document

No. 725

H. P. 1647

House of Representatives, March 8, 1935.

Reported by a majority of the Committee on Judiciary. On motion of Mr. Hill, So. Portland, the majority report, ought not to pass and the minority report ought to pass in new draft tabled pending motion of Mr. Hill of So. Portland to accept minority report. (New draft ordered printed).

HARVEY R. PEASE, Clerk.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-FIVE

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**AN ACT Relating to the Procurement of Medical Services, Physicians and Surgeons for Injured Employees under the Workmen's Compensation Act.**

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

**Sec. 1. R. S., c. 55, § 9, amended.** Section 9 of chapter 55 of the revised statutes is hereby amended to read as follows:

**'Sec. 9. Employee entitled to limited medical services; selection of own physician; cost, how determined.** During the first 30 days after an injury aforesaid the employee shall be entitled to reasonable and proper medical, surgical and hospital services, nursing, medicines and mechanical surgical aids when they are needed. The amount of such services and aids shall not exceed \$100 unless a longer period or a greater sum is allowed by the commission, which in its discretion it may allow when the nature of the injury or the process of recovery requires it.

Upon knowledge or notice of such injury the employer shall promptly furnish to the employee the services and aids aforesaid. In case however

the employer fails to furnish any of said services or aids, **or in cases reasonably requiring a surgical operation in a hospital**, or in case of emergency or other justifiable cause, the employee may procure said services or aids and the commission may order the employer to pay for the same provided that they were necessary and adequate, and the charges therefor are reasonable. In every case where any of said services or aids are procured by the employee, it shall be his duty to see that the employer is given prompt notice thereof. The commission in its discretion may also require the employer to furnish to the injured employee, but not more than once each for an injury aforesaid, artificial limbs, eyes and teeth made necessary by such injury.

Whenever there is any disagreement as to the proper costs of the services or aids aforesaid, or as to the apportionment thereof among the parties, any interested person may file a petition with the commission setting forth the facts. The commission shall have exclusive jurisdiction to determine such costs and such apportionment, subject to appeal as hereinafter provided, unless the employer or employee procuring such services or aids and the person or persons supplying the same shall by written contract agree otherwise.'

**Sec. 2. R. S., c. 55, § 21, amended.** Section 21 of chapter 55 of the revised statutes is hereby amended to read as follows:

**'Sec. 21. Employee may be examined by employer's physician or impartial examiner; to accept proper medical treatment. R. S., c. 50, § 21. 1919, c. 238, § 21. 1929, c. 300, § 21.** Every employee shall after an injury, at all reasonable times during the continuance of his disability if so requested by his employer, submit himself to an examination by a physician or surgeon authorized to practice as such under the laws of this state, to be selected and paid by the employer. The employee shall have the right to have a physician or surgeon selected and paid by himself present at such examination, of which right the employer shall give him notice when requesting such examination.

The commission or any commissioner may at any time after the injury appoint a competent and impartial physician or surgeon to act as medical examiner, the reasonable fees of whom shall be fixed and paid by the commission.

Such medical examiner, after being furnished with such information in regard to the matter as may be deemed essential for the purpose, shall thereupon and as often as the commission or the said commissioner may direct, examine such injured employee in order to determine the nature,

extent, and probable duration of the injury, or the percentage of permanent impairment. He shall file in the office of the commission a report of every such examination, and a copy thereof shall be sent to each of the interested parties, who upon request therefor shall be given the opportunity at a hearing, before decree is rendered, to question said impartial examiner as to any matter included in such report.

If any employee refuses or neglects to submit himself to any reasonable examination provided for in this act, or in any way obstructs any such examination, or if, **except as permitted under section 9 hereof**, he declines proper medical or surgical treatment offered by the employer, upon petition of said employer such employee's rights to compensation shall be suspended, and his compensation during such period of suspension shall be forfeited.'