

MAINE STATE LEGISLATURE

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EIGHTY - EIGHTH LEGISLATURE

Legislative Document

No. 719

H. P. 1510

House of Representatives, February 16, 1937.

Referred to Committee on Judiciary. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Belanger of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to Fees under the Workmen's Compensation Act.

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

Sec. 1. Services of physician, etc. For services rendered any person who is subject to the provisions of the workmen's compensation act, so-called, being chapter 55 of the revised statutes, the fees of attorneys and physicians and the charges of hospitals shall be subject to the approval of the industrial accident commission. If the insurer and any physician or hospital, or the employee and any attorney, fail to agree as to the amount to be paid for such services, either party may petition said commission for adjudication thereof, and the proceedings thereafter shall be in the same manner as provided by sections 33 to 36, both inclusive, of said chapter and of the same force and effect.

Sec. 2. Decision basis for court decree. Any party in interest may present copies, certified by the clerk of the commission, of any order or decision of the commission or of any commissioner, together with all papers in connection therewith, to the clerk of courts for the county in which the accident occurred; whereupon any justice of the superior court shall render a pro forma decree in accordance therewith and cause all interested parties

to be notified. Such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in a suit in equity duly heard and determined by said court, except that there shall be no appeal therefrom upon questions of fact found by said commission or by any commissioner.

Upon any appeal therefrom the proceedings shall be the same as in appeals in equity procedure, and the law court may, after consideration, reverse or modify any decree so made by a justice based upon an erroneous ruling or finding of law. There shall be no appeal however from a decree based upon any order or decision of the commission or of any commissioner unless said order or decision has been certified and presented to the court within 20 days after notice of the filing thereof by the commission or by any commissioner; and unless appeal has been taken from such pro forma decree within 10 days after such certified order or decision has been so presented.

In case that an award is made to an attorney as claimant, the compensation so allowed shall be deducted from the award made the injured employee and payable therefrom by the insurer.