

MAINE STATE LEGISLATURE

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NINETY - SECOND LEGISLATURE

Legislative Document

No. 315

H. P. 648

House of Representatives, February 1, 1945.

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Renouf of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

**AN ACT Relative to Medcial and Surgical Aids in Cases of Personal
Injury or Occupational Disability Under Workmen's Compensation Act.**

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

Sec. 1. R. S., c. 26, § 8, amended. Section 8 of chapter 26 of the revised statutes is hereby amended to read as follows:

'Sec. 8. Employee under act, injured by accident, entitled to compensation. If an employee who has not given notice of his claim of common law or statutory rights of action, or who has given such notice and has waived the same, as provided in the preceding section, receives a personal injury ~~by accident, disease or occupational disability~~ arising out of and in the course of his employment, he shall be paid compensation and furnished medical and other services, as hereinafter provided, by the employer who shall have assented to become subject to the provisions of this act.'

Sec. 2. R. S., c. 26, § 9, amended. The first 2 paragraphs of section 9 of chapter 26 of the revised statutes are hereby amended to read as follows:

'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. **And the employee may procure such services and aids, the cost thereof to**

be paid by the employer. The commission or any member thereof at its or his discretion, or at the request of the employee, shall appoint not less than 2, nor more than 3 impartial physicians authorized to practice in the state of Maine, to examine the employee and report their findings to the commission. Compensation for such services by such physicians shall be paid by the commission. 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. **If the employee retains counsel for appearance before the commission, reasonable fees as determined by the commission shall be paid to such counsel by the employer.**

Upon knowledge or notice of such injury the employer shall promptly furnish to the employee the services and aids aforesaid, **unless such services and aids have been procured by the employee.** In case however the employer fails to furnish any of said services or aids, 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. In case artificial limbs, eyes, and teeth, in use by an employee at the time of the accident as substitutes for natural parts of the body, are themselves injured or destroyed, they shall be repaired or replaced by the employer.'

Sec. 3. R. S., c. 26, § 20, amended. Section 20 of chapter 26 of the revised statutes is hereby amended by adding thereto the following paragraph:

'A copy of the notice of accident shall be forwarded to the commission within 20 days of its receipt by the employer.'

Sec. 4. R. S., c. 26, § 22, amended. The 2nd paragraph of section 22 of chapter 26 of the revised statutes is hereby amended to read as follows:

'The commission or any commissioner may, **and at the request of the employee shall,** 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.'

Sec. 5. R. S., c. 26, § 33, amended. Section 33 of chapter 26 of the revised statutes is hereby amended to read as follows:

'Sec. 33. Time limitations for filing petitions. An employee's claim for compensation under the provisions of this act shall be barred unless an agreement or a petition as provided in the preceding section shall be filed within ~~1 year~~ **2 years** after the date of the accident; provided, however, that any time during which the employee is unable by reason of physical or mental incapacity to file said petition shall not be included in the period aforesaid. In case of the death of the employee, there shall be allowed for filing said petition **1** year after such death. No petition of any kind, however, may be filed more than 10 years following an accident.'