

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 973**

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S. P. 346

In Senate, February 26, 1959.

Referred to the Committee on Labor, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Hunt of Kennebec.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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**AN ACT Permitting Injured Employee under Workmen's Compensation Act  
to Choose Physician from Panel Named by Employer.**

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

**Sec. 1. R. S., c. 31, § 9, amended.** Section 9 of chapter 31 of the Revised Statutes is amended by inserting after the first paragraph the following 3 paragraphs :

'The employee shall have the right to choose an attending physician from a panel of a reasonable number of competent, suitable and impartial physicians to be named by the employer. The commission may, under rules prescribed by it, permit an injured employee to make selection of a physician not on the panel where specialized or extraordinary services are needed, or where employee is injured outside of this State, or in cases of emergency. If the employee is unable, due to the nature of the injury, to select his physician from a panel and the emergency nature of the injury requires immediate medical treatment and care, the employer shall promptly select for him a physician from the panel.

The commission shall determine what number of physicians constitutes a reasonable number of such panel. In determining the reasonableness of the size of the medical panel, the commission shall take into account the number of competent, suitable and impartial physicians or facilities conveniently available to or in the community in which the medical service is required, and where only one such physician is available, the tender of attention by such physician shall be construed as a compliance with this section unless specialized or extraordinary treatment is necessary which the physician cannot render. Every employer shall post the names and addresses of the physicians on his panel in such manner as to afford his employees reasonable notice thereof.

If the employer has knowledge of the injury and the necessity for treatment, and shall fail to maintain such panel or fails to permit the employee to make choice of his physician from such panel, the injured employee may select a physician to render service at the expense of the employer.'

Sec. 2. R. S., c. 31, § 9, amended. The first 3 sentences of the 2nd paragraph of section 9 of chapter 31 of the Revised Statutes are amended to read as follows :

'Upon knowledge or notice of such injury the employer shall promptly furnish make available to the employee the services and aids provided in this section aforesaid. 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.'