

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

CHAPTER 729

H.P. 1618 - L.D. 2274

AN ACT to Amend the Workers' Compensation Act
to Require Prepayment for Medical Aids
and to Make Corrections Relating to
Foreign Employees.

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

Sec. 1. 39 MRSA §51-B, sub-§4, as amended by PL 1983, c. 682, §2, is further amended to read:

4. Compensation for impairment; compensation for medical expenses. Compensation for impairment under sections 56 and 56-A shall not be payable prior to the date on which the injured employee reaches the stage of maximum medical improvement. It shall become due and payable within 90 days after the employer has notice that maximum medical improvement has been attained. For the purpose of this subsection, "maximum medical improvement" means the date after which further recovery and further restoration of function can no longer be reasonably anticipated, based upon reasonable medical probability. Compensation for medical expenses, aids and other services under section 52 is due and payable within 90 days from the date a request is made for payment of these expenses.

Sec. 2. 39 MRSA §52, 4th ¶, as amended by PL 1979, c. 116, is further amended to read:

In every case where any of said services or aids are procured or aids are required by the employee, it shall be his duty to see that the employer is given prompt notice thereof. The employer shall then make prompt payment for same them to the provider or supplier or reimburse the employee, in accordance with section 51-B, subsection 4, provided said that the costs were are necessary and adequate and the charges therefor reasonable; and further provided that it shall be presumed that, in a jurisdiction outside of the United States that has a socialized medical program, payment of the costs will be borne by the medical program and the employer is not responsible for those costs under this section unless the socialized medical program has made payment for services or aids and requests reimbursement from the employer for the actual amounts paid. The employer shall furnish artificial limbs, eyes, teeth, eyeglasses, hearing

aids, orthopedic devices and other physical aids made necessary by ~~such~~ the injury and shall replace or renew the same when necessary from wear and tear or physical change of the employee. The employee or his counsel shall serve upon the employer or opposing counsel, within 7 days of the date of receipt by ~~such~~ the employee or counsel, complete copies of any medical reports or statements relating to any treatment or examination described in this section. The employer, carrier or their counsel shall serve upon the employee or opposing counsel, within 7 days of the receipt by the employer, carrier or counsel, complete copies of any medical reports or statements relating to any treatment or examination alleged by the employee or his counsel to be covered by this section.

Sec. 3. 39 MRSA §66-A, as amended by PL 1985, c. 372, Pt. A, §§27 and 28, is further amended by adding at the end a new paragraph to read:

If an employee is prevented from accepting an offer of suitable work because of residence in a foreign country or termination of status as a lawfully employable alien, he shall be deemed to have refused the offer.

Sec. 4. 39 MRSA §87, sub-§4, as enacted by PL 1985, c. 372, Pt. A, §29, is amended to read:

4. Employee refusal, sanctions. Refusal by the employee to comply with a requirement, determination or order of the commission, this chapter or a rule promulgated under this chapter, or with the terms of an approved plan or agreement under this subchapter, shall result in the suspension of benefits for a period no longer than the length of the refusal. If an employee is prevented from complying because of residence in a foreign country or termination of status as a lawfully employable alien, he shall be deemed to have refused to comply. These sanctions may only be ordered by a commissioner after notice and a hearing.

Effective July 16, 1986.

CHAPTER 730

H.P. 1671 - L.D. 2356

AN ACT to Strengthen the Organization of
Emergency Medical Services.