

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

3. Other employees. The salaries of the following employees ~~shall be~~ are within salary range ~~88 53~~:

- A. General counsel;
- B. Director of finance;
- C. Administrative Director;
- D. Director of technical analysis; ~~and~~
- D-1. Director of energy programs; and
- E. Director of consumer assistance.

See title page for effective date.

CHAPTER 24

S.P. 97 - L.D. 302

An Act To Encourage Parties To Agree to the Selection of Independent Medical Examiners in Workers' Compensation Cases

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

Sec. 1. 39-A MRSA §312, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

2. Duties. An independent medical examiner shall render medical findings on the medical condition of an employee and related issues as specified under this section. The independent medical examiner in a case may not be the employee's treating health care provider and may not have treated the employee with respect to the injury for which the claim is being made or the benefits are being paid. Nothing in this subsection precludes the selection of a provider authorized to receive reimbursement under section 206 to serve in the capacity of an independent medical examiner. ~~—A— Unless agreed upon by the parties, a physician who has examined an employee at the request of an insurance company, employer or employee in accordance with section 207 during the previous 52 weeks is not eligible to serve as an independent medical examiner.~~

Sec. 2. 39-A MRSA §312, sub-§7, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

7. Weight. ~~If the parties agree to a medical examiner, the examiner's findings are binding. If the board assigns an independent medical examiner, the~~ The board shall adopt the medical findings of the independent medical examiner unless there is clear

and convincing evidence to the contrary in the record that does not support the medical findings. Contrary evidence does not include medical evidence not considered by the independent medical examiner. The board shall state in writing the reasons for not accepting the medical findings of the independent medical examiner.

See title page for effective date.

CHAPTER 25

H.P. 245 - L.D. 322

An Act To Amend the Process for Review of Hearing Officer Decisions by the Workers' Compensation Board

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

Sec. 1. 39-A MRSA §320, first ¶, as amended by PL 2003, c. 608, §13, is further amended to read:

~~Within 5 days after issuing a decision, a~~ Δ hearing officer may request that the full board review a decision of the hearing officer if the decision involves an issue that is of significance to the operation of the workers' compensation system. Except when a motion is filed to find the facts specially and state separately the conclusions of law, the request must be made within 25 days of the issuance of a decision. If a motion is filed to find the facts specially and state separately the conclusions of law, the request must be made within 5 days of the issuance of a decision on the motion. There may be no such review of findings of fact made by a hearing officer.

See title page for effective date.

CHAPTER 26

H.P. 319 - L.D. 434

An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws

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

Sec. 1. 12 MRSA §6001, sub-§13-I is enacted to read:

13-I. Established base of operations. "Established base of operations" means the location where a vessel has its primary relationship. Among the factors