

# Customer Workers Compensation Jurisdictional Resource - Maine

Issue	Mandatory	What & How	Impact	State Forms
Timely Reporting of Claims	<p>Yes</p> <p>A <a href="#">Maine Form WCB-1 - Employer's First Report of Injury</a> must be completed within 7 days of the employer receiving notice or having knowledge of a work-related injury. It is not required that the first report be filed with the Board until there is lost time, however, failure to file could result in the statute of limitations being tolled.</p>	<p>The employer should complete the <a href="#">Maine Form WCB-1 - Employer's First Report of Injury</a> and distribute copies to the employer, employee, Board and insurer. The first report of injury must be filed electronically with the Board.</p> <p><b>Maine Workers' Compensation Board:</b> <a href="http://www.maine.gov/wcb/">http://www.maine.gov/wcb/</a></p>	<p>Failure to file a <a href="#">Maine Form WCB-1 - Employer's First Report of Injury</a> could result in a penalty being assessed by the Board but more importantly, it could also serve to toll the statute of limitations on a claim according to recent Board decisions.</p>	<p><a href="#">Maine Form WCB-1 - Employer's First Report of Injury</a></p>
Drug Free Workplace	<p>No</p> <p>Drug testing is not mandatory but could be useful in defending a claim.</p>	<p>Drug testing may be performed by employers in a manner consistent with state and federal law.</p> <p><a href="#">Maine Drug Free Workplace Policy</a></p>	<p>In certain cases, drug test results may serve to bolster defense arguments on the cause of an injury or an employee's credibility.</p>	<p>N/A</p>

<p>Managed Care Law</p>	<p>Yes</p> <p>The employer has the right to select a healthcare provider for the employee for the first 10 days. After the initial 10 day period, the employee may select their own provider. Nurse case managers may be used but are not mandatory.</p> <p><a href="#">Section 206(1) of the Maine Code</a></p>	<p>Employers should select a medical provider to treat their injured workers and have a system in place for workers to report injuries and be referred immediately to the employer's chosen provider.</p>	<p>The importance of taking advantage of the ability to select the employee's physician for the first 10 days shouldn't be underestimated. Many employees' simply continue treating with the employer's provider and are more likely to get back to work sooner under those conditions.</p>	<p>N/A</p>
<p>Timely Reporting of Out of Work Status</p>	<p>Yes</p> <p>Within 14 days of notice or knowledge that an employee has a claim for incapacity or death benefits, the employer must either file a <a href="#">Maine Form WCB-9 - Notice of Controversy</a> disputing the claim or file a <a href="#">Maine Form WCB-3 - Memorandum of Payment</a> and pay benefits to the employee.</p> <p><a href="#">Board Rule Chapter 1, Section 1 of the Maine Code</a></p>	<p>The <a href="#">Maine Form WCB-9 - Notice of Controversy</a> must be filed electronically with the Board. Copies of either the <a href="#">Maine Form WCB-9 - Notice of Controversy</a> or the <a href="#">Maine Form WCB-3 - Memorandum of Payment</a> should be provided to the employer, employee, Board and insurer. When the decision is made to file a <a href="#">Maine Form WCB-3 - Memorandum of Payment</a> and pay the claim, the form should almost always be filled out to indicate that the payment is being made on a voluntary basis pending investigation rather than indicating that it is an accepted claim.</p>	<p>Failure to file a timely <a href="#">Maine Form WCB-9 - Notice of Controversy</a> results in the employer having to pay the employee total incapacity benefits (with appropriate offsets) from the date of alleged incapacity through the date that the <a href="#">Maine Form WCB-9 - Notice of Controversy</a> is filed and the benefits paid. This can result in huge payments as the alleged date of incapacity can go back several years.</p>	<p><a href="#">Maine Form WCB-9 - Notice of Controversy</a></p> <p><a href="#">Maine Form WCB-3 - Memorandum of Payment</a></p>

<p>Timely Reporting of Employee Returning to Work</p>	<p>Yes</p> <p>The statute requires employee's to report a return to work within 7 days. If 90 days have passed since the injury, the employer may begin sending out <a href="#">Maine Form WCB-230 - Employment Status Reports</a> to the employee inquiring as to whether the employee has returned to work.</p>	<p>If the employee is expected to return to work with the same employer, the insurer should make sure that the information is reported to them promptly. In other cases, the employer should begin sending out <a href="#">Maine Form WCB-230 - Employment Status Reports</a> and keeping in touch with the injured employee regarding work status.</p>	<p>The Board has generally not enforced an employee's obligation to report a return to work within 7 days. Therefore, it is imperative that employers and insurers carefully monitor the work status of injured employee's.</p>	<p><a href="#">Maine Form WCB-231 - Employee's Return to Work Report</a></p> <p><a href="#">Maine Form WCB-230 - Employment Status Report</a></p>
<p>Bona Fide Job Offers</p>	<p>No</p> <p>Employers are not required to make bona fide job offers to injured employees but to the extent that an injured employee can be accommodated, this can greatly reduce the exposure on a claim.</p>	<p>Job offers should be made in writing, should lay out the requirements of the position being offered and should include some mention of the requirements of the job being within the injured employee's physical restrictions.</p>	<p>If an employee unreasonably refuses a bona fide offer of suitable work, they forfeit their right to incapacity benefits during the period of refusal. <a href="#">Title 39-A, Section 214(1)(A) of the Maine Code</a></p>	<p>N/A</p>

<p>Wage Statements</p>	<p>Yes</p> <p>A <a href="#">Maine Form WCB-2 - Wage Statement</a> must be filed with the Board within 30 days of the employer receiving notice of having knowledge of a claim for compensation.</p>	<p>The <a href="#">Maine Form WCB-2 - Wage Statement</a> should include the employee's earnings with the employer in the 52 weeks prior to the injury. Copies of the <a href="#">Maine Form WCB-2 - Wage Statement</a> should be provided to the employer, employee, Board and insurer.</p>	<p>The <a href="#">Maine Form WCB-2 - Wage Statement</a> is important to establish the employee's average weekly wage, the figure on which all benefits will be based. The <a href="#">Maine Form WCB-2 - Wage Statement</a> can help to identify earnings that should not be included in the calculation of the average weekly wage or other potential issues with the employee's wages.</p>	<p><a href="#">Maine Form WCB-2 - Wage Statement</a></p>
<p>Posting of Notices</p>	<p>Yes</p> <p><a href="#">Maine Form WCB-90 - Notice to Workers Poster</a> indicating that the employer has conformed with the requirements of the <a href="#">Workers' Compensation Act</a> is mandatory.</p>	<p>The <a href="#">Maine Form WCB-90 - Notice to Workers Poster</a> must be posted and kept posted in a conspicuous place accessible to employees in each of the employer's mills, factories or places of business.</p>	<p>Failure to post notices can subject employers to penalties as well as increased exposure and liability in cases where employees argue that the lack of notice allows them to pursue an otherwise barred claim.</p>	<p><a href="#">Maine Form WCB-90 - Notice to Workers Poster</a></p>