



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1498

S.P. 559

In Senate, May 2, 2013

### **An Act To Amend the Labor Laws as They Relate to Payment for Required Medical Examinations**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TUTTLE of York.  
Cosponsored by Representative HERBIG of Belfast and  
Senators: CLEVELAND of Androscoggin, JACKSON of Aroostook, PATRICK of Oxford,  
Representatives: CAMPBELL of Newfield, GILBERT of Jay, HAMANN of South Portland,  
MASON of Topsham, MASTRACCIO of Sanford.

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

2 **Sec. 1. 26 MRSA §592**, as amended by PL 1989, c. 535, is further amended to  
3 read:

4 **§592. Charge by employer prohibited**

5 No employer may require any employee or accepted applicant for employment to  
6 bear the medical expense of an examination when that examination is ordered or required  
7 by the employer. No employer may require any employee or accepted applicant for  
8 employment to bear the expense of an eye examination ordered or required by the  
9 employer ~~which~~ that is performed by a person licensed to perform the examinations,  
10 except that if an employer orders or requires the eye examination to be performed by a  
11 specific type of eye care provider, or specific provider, the employer must pay for the  
12 examination only when performed by that specific type of eye care provider or specific  
13 provider. An employer may pay for an examination under this section directly; or  
14 through group health insurance coverage of the employee 100% of the cost of which is  
15 paid by the employer or ~~otherwise may pay in another manner~~, as long as the employee is  
16 not ultimately required to bear the expense of that examination. Any employer who  
17 violates this section commits a civil violation for which a forfeiture not to exceed \$50 for  
18 each and every violation may be adjudged. It is the duty of the director to enforce this  
19 section. Notwithstanding section 591, subsection 2, for the purposes of this section, the  
20 term "employer" includes the State, a county, a municipality, a quasi-municipal  
21 corporation or any other public employer. For the purposes of this section, the term  
22 "accepted applicant" means an applicant who has been offered a job by the employer.

23 **SUMMARY**

24 Current law provides that an employer may not require an employee or accepted  
25 applicant for employment to bear the medical expense of an examination when that  
26 examination is ordered or required by the employer. It also provides that an employer  
27 may pay for such an examination through group health insurance coverage of the  
28 employee. This bill provides that an employer may pay for such an examination through  
29 group health insurance coverage of the employee only if the employer pays 100% of the  
30 cost of that coverage.