

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-158)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 141, L.D. 161, Bill, "AN ACT to Provide Time for the Employee and Employer to Consider Payment of Compensation by Agreement."

Amend the Bill by striking out everything after the amending clause and inserting in its place the following:

'The employer shall not be obligated to pay counsel fees under section 110 for services rendered during the first 10 days after the employer has received notice of an alleged injury unless during that period the employer notified the employee that it denied the injury was compensable under the Act. If the employer does not enter into a compensation agreement at the end of the 10-day period, the employer may voluntarily pay the employee compensation. No voluntary payment of compensation shall be considered to be an admission of liability for compensation by the employer. If the employer elects to voluntarily make payments to the employee, the employer shall not be obligated to pay counsel fees under section 110 for services rendered prior to the expiration of 40 days after the employer's receipt of notice of the alleged injury.'

The employer shall be obligated to pay counsel fees under section 110 for services which are rendered during that 40-day period for the purpose of advising the employee as to whether he should enter into a compensation agreement which has been proposed by the employer. Any compensation agreement which is concluded within the 40-day period shall be void unless, prior to concluding the agreement, the employer advises the injured employee in writing that he has the right to obtain the services and advice of an

attorney, at the employer's expense under section 110, for the purpose of determining whether to enter into the agreement.

At the end of the 40-day period, the employer shall notify the employee that it either will enter into a compensation agreement or will not enter into a compensation agreement and that the employee has a right to file a petition for award. In either case, the employer shall also notify the employee that he has the right to the assistance of counsel to be paid for by the employer consistent with section 110.'

Statement of Fact

The purposes of this amendment are to:

1. Require that any agreement under this section between the employer and employee is void unless the employer tells the employee a lawyer can advise him on it at the employer's cost;
2. Increase the grace period for voluntary payments from 30 days to 40 days; and
3. Delete the requirement in the bill's last sentence that should the employer elect to voluntarily pay compensation and not so notify the employee at the end of the grace period, that the injury would be deemed to be compensable under the Workers' Compensation Act.