

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 879

S.P. 287

In Senate, February 22, 2005

### **An Act To Ensure Equity in Appeals of Workers' Compensation Cases**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator WESTON of Waldo.  
Cosponsored by Representative KAELIN of Winterport.

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

2  
4 **Sec. 1. 39-A MRSA §324, sub-§1**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

6 **1. Order or decision.** The employer or insurance carrier shall make compensation payments within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the board awarding compensation. If the board enters a decision awarding compensation and an appeal is filed with the Law Court pursuant to section 322, payments for ongoing post-decree compensation awarded pursuant to the decision may not be suspended while the appeal is pending; however, benefits awarded in the form of a sum certain that accrue to the date of the decree may be suspended while the appeal is pending. The employer or insurer may recover from an employee payments made pending appeal to the Law Court if and to the extent that the Law Court has decided that the employee was not entitled to the compensation paid. The board has full jurisdiction to determine the amount of overpayment, if any, and the amount and schedule of repayment, if any. The board, in determining whether or not repayment should be made and the extent and schedule of repayment, shall consider the financial situation of the employee and the employee's family and may not order repayment that would work hardship or injustice.

26  
28 **SUMMARY**

30 Under current law, if the Workers' Compensation Board enters a decision awarding compensation and an appeal is filed with the Law Court, payments may not be suspended while the appeal is pending. This bill allows the suspension, pending appeal, of benefits awarded in the form of a sum certain that accrue to the date of the decree.