

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
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The parties shall be then duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the commission, unless within 15 days after the date of notification or mailing of such decision, ~~further appeal is initiated pursuant to subsection 5~~ the claimant and employer may appeal to the commission by filing an appeal in accordance with such rules as the commission shall prescribe provided that the appealing party appeared at the hearing and was given notice of the effect of the failure to appear in writing prior to the hearing.

Effective September 23, 1971

Chapter 419

AN ACT Relating to Benefits Erroneously Received under Employment Security Law.

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

R. S., T. 26, § 1051, sub-§ 5, amended. Subsection 5 of section 1051 of Title 26 of the Revised Statutes is amended to read as follows:

5. **Refusal to repay erroneous payments.** If, after due notice, any person refuses to repay amounts erroneously paid to him as unemployment benefits, the amount due from such person may be collected by a civil action ~~with account annexed~~ brought in the name of the commission or in the discretion of the commission the amount erroneously paid to such person may be deducted from any future benefits payable to him under this chapter. **Provided** that the commission, upon review of such overpayment, may in its discretion waive the amount of overpayment, if it finds that the payment was not due to fraud, misrepresentation or willful nondisclosure and that recipient was without fault and that its recovery would be against equity and good conscience.

Effective September 23, 1971

Chapter 420

AN ACT Relating to Workmen's Compensation Pending a Review of Incapacity.

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

R. S., T. 39, § 100, amended. Section 100 of Title 39 of the Revised Statutes as repealed and replaced by section 10 of chapter 408 of the public laws of 1965 and as amended by chapter 309 of the public laws of 1969, is further amended by adding at the end the following paragraph:

If, following resumption of work by the employee, the employer has paid compensation prior to the time of filing a petition for review with a certificate that the employee has resumed work, and after hearing the commissioner finds that such petition was properly filed and decrees that compensation cease, any overpayment may be recovered from the employee in a legal action brought by the employer.

Effective September 23, 1971