

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
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B. A financial institution subject to Parts 5 or 7 shall accept only **demand deposits of its own funds** and those deposits authorized in subsection 1 until such time as there exists either equality among financial institutions as to interest rates payable on deposits, or Federally-chartered thrift institutions in this State are authorized to have checking deposit or demand deposit privileges and, in the event of the latter, only to the extent such federal institutions are so authorized.

Effective September 18, 1981

CHAPTER 199

H. P. 523 — L. D. 589

AN ACT to Improve the Administration of Workers' Compensation Hearings and Appeals.

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

Sec. 1. 39 MRSA § 96 is repealed.

Sec. 2. 39 MRSA § 96-A is enacted to read:

§ 96-A. Procedure for filing petitions

1. **Filing with commission.** Any interested party may seek a determination of his rights under this Act by filing with the commission any petition authorized under this Act.

2. **Service upon responding party.** Copies of all petitions filed under this Act shall be served by certified mail, return receipt requested, to the other parties named in the petition. In the case of a petition by an employee, a copy of the petition shall be served upon the employer's insurer, or group self-insurer, and the time for filing an answer to the petition commences from the date of receipt of the petition by the insurer or group self-insurer.

Sec. 3. 39 MRSA § 97, first sentence, as amended by PL 1977, c. 437, § 5, is further amended to read:

Within ~~20~~ 30 days after ~~notice of the filing receipt~~ of such petition all the other parties interested in opposition shall file an answer thereto **with the commission and furnish mail** a copy thereof ~~for~~ to the petitioner, which answer shall state specifically the contentions of the opponents with reference to the claim as disclosed by the petition.

Sec. 4. 39 MRSA § 99, 2nd ¶, first sentence as enacted by PL 1977, c. 632, § 2, is amended to read:

The commissioner shall, upon the request of a party made as a motion within ~~10~~ 20 days after notice of the decision, or may upon its own motion find the facts specially and state separately its conclusions of law thereon and file the appropriate decision if it differs from the decision filed before the request was made.

Sec. 5. 39 MRSA § 99, as last amended by PL 1979, c. 713, § 1, is further amended by adding after the 2nd paragraph a new paragraph to read:

Clerical mistakes in decrees, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the commission at any time of its own initiative or on the motion of any party and after notice to the parties. During the pendency of an appeal, these mistakes may be so corrected before the appeal is docketed in the Superior Court or Supreme Judicial Court and thereafter while the appeal is pending may be so corrected with leave of the Superior Court or Supreme Judicial Court.

Sec. 6. 39 MRSA § 99-A, as enacted by PL 1977, c. 199, is repealed.

Sec. 7. 39 MRSA § 103, as last amended by PL 1979, c. 132, § 1, is repealed and the following enacted in its place:

§ 103. Appeal

1. Appeal. Any party aggrieved by an order or decision of the commission may, within 30 days after its entry by the commission, appeal the order or decision to the Supreme Judicial Court, except that there may be no appeal upon questions of fact found by the commission or upon a memorandum of agreement approved by the commission.

2. Procedure for review. Within the 30-day period referred to in subsection 1, the party seeking review shall file a notice of appeal with the clerk of the commission indicating that a review is to be had in the Supreme Judicial Court of the order of the commission.

3. Jurisdiction vested. The commission order or decision shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in an action in which equitable relief is sought, duly heard and determined by the Superior Court. When the notice of appeal has been filed with the commission the clerk of the commission shall immediately transmit to the clerk of the Supreme Judicial Court the notice of appeal. Filing of the notice of appeal vests the Supreme Judicial Court with jurisdiction of the case. Within 30 days after the filing of the notice of appeal with the commission the clerk of the commission shall transmit to the clerk of the Supreme Judicial Court a copy of the order or decision appealed from, together with all papers in connection with it. The Supreme Judicial Court may, after consideration, reverse or modify any order or decision based upon an erroneous ruling or finding of law. The Maine Rules of Civil Procedure, as they apply to an appeal from the Superior Court, shall

apply to a commission order or decision except as otherwise provided in this section.

4. **Payment of interest.** In cases where after appeal by an employer the original order or decision rendered by the commission or by any commissioner is affirmed, there shall be added to any amounts payable under the order or decision, the payment of which is delayed by such appeal, interest to the date of payment.

5. **Expenses of appeal.** In all cases of appeal, the Law Court may order a reasonable allowance to be paid to the employee by the employer for expenses incurred in the proceedings of the appeal, including the record, but not including expenses incurred in other proceedings in the case.

Effective September 18, 1981

CHAPTER 200

S. P. 286 — L. D. 812

AN ACT to Amend the Workers' Compensation Law to Facilitate Ridesharing.

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

39 MRSA § 51, as last amended by PL 1975, c. 480, § 6, is repealed and the following enacted in its place:

§ 51. Entitlement to compensation and services generally

1. **Entitlement.** If an employee who has not given notice of his claim of common law or statutory rights of action, or who has given the notice and has waived the same, as provided in section 28 receives a personal injury arising out of and in the course of his employment or is disabled by occupational disease, he shall be paid compensation and furnished medical and other services by the employer who has assented to become subject to this Act.

2. **Injury while participating in rideshare programs.** An employee injured while participating in a private, group or employer sponsored car pool, van pool, commuter bus service or other rideshare program, having as its sole purpose the mass transportation of employees to and from work, for the purposes of this Act, shall not be deemed to have received personal injury arising out of or in the course of his employment. Nothing in the foregoing shall be held to deny benefits under this Act to employees such as drivers, mechanics and others who receive remuneration for their participation in the rideshare programs.

Effective September 18, 1981