

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1202

H. P. 815

House of Representatives, February 7, 1963

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Cottrell of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT to Provide for Review of Law and Fact in Appeal Cases Under Workmen's Compensation Act.

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

Sec. 1. R. S., c. 31, § 41, amended. The last sentence of the first paragraph of section 41 of chapter 31 of the Revised Statutes, as amended by section 65 of chapter 317 of the public laws of 1961, is further amended to read as follows :

'Such decree 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 said court ~~except that there shall be no appeal therefrom upon questions of fact found by said commission or by any commissioner, or where the decree is based upon a memorandum of agreement approved by the Commissioner of Labor and Industry and such appeal therefrom shall be upon questions of law and determinations of fact, either or both of them, and such appeal shall be based exclusively on the transcript of the record and testimony in the cause that is the subject matter of such appeal.~~

Sec. 2. R. S., c. 31, § 41, amended. The first sentence of the last paragraph of section 41 of chapter 31 of the Revised Statutes, as amended by section 66 of chapter 317 of the public laws of 1961, is further amended to read as follows :

'Upon any appeal therefrom the proceedings shall be the same as in appeals in actions in which equitable relief is sought and the law court may, after consideration, reverse or modify any decree so made by a justice based upon an erroneous ruling or finding of law **or determination of fact.**

Sec. 3. R. S., c. 31, § 41, amended. The last sentence of section 41 of chapter 31 of the Revised Statutes is amended to read as follows:

'In all cases of appeal the law court may order a reasonable allowance to be paid to the employee by the employer for **counsel fees and** expenses incurred in the proceedings of the appeal ~~including the record, not however to include expenses incurred in other proceedings in the case.~~