

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1313

H. P. 900 House of Representatives, March 2, 1967
Referred to Committee on Labor. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk
Presented by Mr. Hewes of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Establish a Right of Review in Workmen's Compensation Matters.

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

Sec. 1. R. S., T. 39, § 103, repealed and replaced. Section 103 of Title 39 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 103. Board of review

Any party in interest may within 20 days after notice of the filing of any order or decision of a commissioner with the commission request a review of the matter by the board of review, which board of review shall consist of the Commissioners of the Industrial Accident Commission who previously heard no evidence in the matter.

Grounds for claiming a review are:

1. Nonconformity. The order and memorandum does not conform to this chapter.
2. Error of law. The commissioner committed an error of law.
3. Facts unwarranted. The findings of fact and order were unwarranted by the evidence.
4. Fraud or coercion. The findings of fact and order were procured by fraud or coercion or other improper conduct of a party in interest.

Within the 20-day period for claiming a review, the appellant shall:

1. Review filed. File the original notice of review with the commission.

2. Copy to adverse party. Serve a copy of the notice of review on each adverse party.

3. Defray costs. Pay to the commission the sum of \$20 in order to help defray the cost. Upon a showing of cause the commission may direct that a transcript be prepared without expense to the appellant.

4. Transcript. When the notice of request for review has been filed with the commission the official reporter of the commission shall prepare a type-written transcript of the proceedings and shall certify as to its correctness.

5. Duties of board. The board of review may:

A. Examine the testimony and hear other evidence.

B. Remand the case to a single commissioner for further hearings.

C. Disregard the findings of fact made by the commissioner.

D. Substitute for the findings of fact made by the commissioner such findings as the total evidence requires.

E. Make such award or disallowance of compensation or other order as the facts and findings require, including reasonable allowance of expenses to be paid to the employee by the employer.

Any party in interest may, within 10 days after notice of filing of an order or decision by the board of review, appeal to the Supreme Judicial Court. Such appeal shall follow the procedure of appeals in civil actions from the Superior Court to the Supreme Judicial Court. In all cases of appeal to the Supreme Judicial Court, the Supreme Judicial 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.

Sec. 2. R. S., T. 39, § 104, repealed and replaced. Section 104 of Title 39 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 104. Alternate remedy for failure of review

Any party in interest may present certified copies of an order or decision of the commission or a single member of the commission, if a review has not been commenced within the time prescribed in section 103, 20 days or more after the filing of the order or decision, to the Superior Court for the county in which the injury occurred and if so presented to the Superior Court, the court shall thereupon render a decree in accordance therewith and notify the parties. Such decree shall have the same effect as though rendered in a suit duly determined by said court. The Superior Court shall award costs to the prevailing party to be taxed as in actions at law.