

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 1716**

H. P. 1399

House of Representatives, April 7, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Stubbs of Hallowell.

Cosponsor: Mr. Hobbins of Saco.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Provide for the Payment of Fees of Attorneys Retained by a Claimant Involved in Appellant Proceedings under the Unemployment Compensation Statutes.**

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

**Sec. 1.** 26 MRSA § 1044, sub-§ 2, 3rd and 4th sentences, as enacted by PL 1965, c. 294, are repealed.

**Sec. 2.** 26 MRSA § 1044, sub-§ 2, last sentence is amended to read:

Any person who violates any provision of this subsection or subsection 2-A shall, for each such offense, be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment for not more than 6 months, or by both.

**Sec. 3.** 26 MRSA § 1044, sub-§ 2-A is enacted to read:

**2-A. Attorneys' fees.** Any individual claiming benefits or exercising rights provided for under section 1194, subsections 3, 4, 5, 8 or 9, shall be entitled to reasonable attorneys' fees and disbursements if he has instituted such appeal proceedings in good faith upon reasonable grounds or if the employer has instituted such appellate proceedings provided the services of that attorney have been useful to the proper and expeditious disposition of the case. Attorneys' fees shall be paid by the commission from its administrative fund, and no fee or reimbursement shall be sought by the commission from the claimant.

### STATEMENT OF FACT

The purpose of this Act is to provide for the payment of attorneys' fees out of the commission's administrative fund for an unemployed applicant if he in

good faith and upon reasonable grounds institutes appellant proceedings for the denial of benefits or in regard to the level of benefits, or contests appellant proceedings instituted by his employer.

This section is modeled after a provision of the Workmen's Compensation Law in regard to attorneys' fees. (Title 39, section 110).

It provides for limitations not found in the Workmen's Compensation Law in that such award of fees shall be the only fees permitted.