

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-269)

COMMITTEE AMENDMENT "A" to H.P. 281, L.D. 375, Bill, "AN ACT Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'39 MRSA §104-A as amended by PL 1973, c.746, §10, is repealed and the following enacted in its place:

§104-A. Compensation payments; penalty

The employer or insurance carrier shall make compensation payments as follows:

1. Order or decision. Within 10 days after the receipt notice of an approved agreement for payment of compensation or within 10 days after any order or decision of <sup>the</sup> / commission awarding compensation. Payment shall not be suspended thereafter in the event of appeal to the law court from such order or decision as provided in section 103.

2. Failure. In the event of failure by the employer or insurance carrier to pay compensation as provided in this section, a penalty, not to exceed \$25 for each day of noncompliance shall be assessed against the employer or the insurance carrier. All penalties collected shall be deposited with the Treasurer of State.

This section shall not apply to claims involving employees of the State.

If an employer who is required to secure the payment to his employees of the compensation provided for by this Act, fails to do so, he shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both. Failure of an employer, after imposition of the foregoing penalty, to secure the payment of compensation under this Act after notice by the commission to such employer to do so shall, as to each such notice, be deemed a further violation in respect thereof and the same penalty shall be imposed. If such employer is a corporation, the president or treasurer, or both, shall be liable for such penalty.'

#### Statement of Fact

The purpose of this amendment is to make it mandatory that payments awarded to an injured employee by the Industrial Accident Commission will begin whether or not the commission's decision is being appealed to the law court. This amendment also changes the fine for failure to make payments from a fixed fine of \$500 to one of \$25 per day.

Reported by the Majority of the Committee on Labor.

Reproduced and distributed under the direction of the Clerk of the House.

5/5/77

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