

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 375

H. P. 281

House of Representatives, February 9, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court.

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

Sec. 1. 39 MRSA § 104-A, sub-§ 3, as enacted by PL 1971, c. 155, is repealed and the following enacted in its place:

3. Appeal. Unless the order or decision of the commission acting under section 104-B states otherwise, within 10 days after receipt of notice of the decision of the law court affirming the order or decision of the commission; or

Sec. 2. 39 MRSA § 104-A, sub-§ 3-A is enacted to read:

3-A. Discretionary order. If an order or decision of the commission has provided for payment of compensation under section 104-B, within 10 days after the effective date of the pro forma decree, as provided in section 103; or

Sec. 3. 39 MRSA § 104-B is enacted to read:

§ 104-B. Payment of compensation pending appeal

An order or decision of the commission awarding compensation may, in the discretion of the commission, provide that the employer or insurance carrier shall make compensation payments within 10 days after the effective date of the pro forma decree, as provided in section 103, notwithstanding the pendency of any appeal taken from the pro forma decree to the law court. Payment shall not be suspended pending any review by the law court of an order or decision made under this section.

STATEMENT OF FACT

This bill will give the Industrial Accident Commission the discretion to order payment of Workmen's Compensation pending an appeal to the Maine Supreme Judicial Court. At present, if an employer appeals an Industrial Accident Commission decision to the Supreme Judicial Court, the employer need not pay the award to the injured employee until after the court has rendered a final decision. This delay puts an inordinate amount of pressure on injured employees to rush into lump sum payments instead of waiting for the appeal to be decided. This bill will enable the Industrial Accident Commission to relieve any inordinate pressure towards unwarranted compromise. At the same time, the bill provides that the commission's power is discretionary and, thus, the commission in its discretion can stop any abuse on the part of the employee by refusing to order payment of workmen's compensation pending appeal. This is the same approach used in the Longshoremen's Act, 33 U.S.C. 921 (E) (b) (3).