

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1928

H. P. 1871

Office of the Clerk of the House

The Committee on Judiciary suggested. Approved for introduction by the Legislative Council pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Garsoe of Cumberland

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT to Revise the Venue Provisions of the Maine Employment Security Commission Appeals Procedure.

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

Sec. 1. 26 MRSA § 1194, sub-§ 9, first sentence is amended to read:

Within 15 days after the decision of the commission has become final, any party aggrieved thereby may appeal by commencing an action in the Superior Court of Kennebec County, **or where any plaintiff lives or does business**, against the commission for the appeal of its decision, in which action any other party to the proceedings before the commission shall be made a defendant.

Sec. 2. 26 MRSA § 1194, sub-§ 9, 8th sentence is amended to read:

An appeal may be taken from the decision of the Superior Court ~~of Kennebec County~~ to the Supreme Judicial Court of the State, in the same manner, but not inconsistent with this chapter, as is provided in civil actions.

STATEMENT OF FACT

The purpose of this bill is to allow appeals from the Maine Employment Security Commission decisions to be taken to the Superior Court in the venue where the plaintiff lives or does business. Presently, appeals may only be taken in the Kennebec County Superior Court.

This provision works a hardship on persons living in areas of the State which are some distance from Augusta. Persons are often unable to convince local attorneys to accept a case which involves travelling so great a distance and are unlikely to contact a Kennebec County attorney who is unknown to them and with whom communication may be costly or difficult.

Additionally, the amount of cases appealed to Superior Court have increased from 24 in 1973 to 60 in 1976 and 66 for a 10-month period in 1977. Because of this increase and because these cases must be given precedent over all other civil action except actions arising under the workmen's compensation laws, the Kennebec County Superior Court carries a burden which might more equitably be distributed through the rest of the state Superior Court system.