

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 575

H. P. 462

House of Representatives, February 15, 1979

On Motion of Mr. Hobbins of Saco, referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Silsby of Ellsworth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify the Hearing Procedures under the Workers' Compensation Act.

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

39 MRSA § 92 is repealed and the following enacted in its place:

§ 92 Authority of commission; forms and procedure

The commission shall have general supervision over the administration of this Act, and shall have powers to make rules and regulations not inconsistent with this Act or other laws of the State for the purpose of carrying out the provisions hereof. It may prescribe forms and make suitable orders as to procedure adapted to secure a speedy, efficient and inexpensive disposition of all proceedings. It may provide blank forms of reports, agreements, petitions and other forms required.

In interpreting this Act it shall construe it liberally and with a view to carrying out its general purpose. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act.

In proceedings under this Act, the burden of proof shall be on the claimant to establish his claim by a fair preponderance of the evidence. Nothing in this section shall be construed to shift the burden of proof from the claimant to the employer nor to require the commission to view the evidence presented in a manner more favorable to the employee than the employer.

STATEMENT OF FACT

The purpose of this bill is to establish the required standard of proof in workers' compensation proceedings. It also makes it clear that the legislative mandate to construe the Act liberally applies only to questions of law, not questions of fact.