

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-160)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 281, L.D. 311, Bill, "AN ACT to Permit the Workers' Compensation Commission to Grant a Rehearing on the Ground of Newly Discovered Evidence."

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

'§99-C. Petition for reopening

Upon the petition of either party a single commissioner may reopen and review any approved agreement, award or decree upon the grounds of newly discovered evidence which by due diligence could not have been discovered prior to the time the agreement was approved or prior to the hearing on which the award or decree was based. The petition must be filed within 30 days of the agreement, award or decree.'

Statement of Fact

The purpose of this amendment is to place a reasonable limit of 30 days on the time within which an agreement or decree may be reopened. It also provides for the same standard for new evidence as presently exists in civil litigation.

The problem addressed by both the bill and this amendment is not that which existed in the Anania case, as noted in the original ~~Statement of Fact~~; rather, the case which gives rise to this difficulty is Clayton v. National Sea Products, Me., 373 A. 2d 1229 (1977).

Reported by the Committee on Labor.
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