

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
110TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-175)

COMMITTEE AMENDMENT" *A* " to H.P. 523, L.D. 589, Bill,
"AN ACT to Improve the Administration of Workers' Compensation Hearings and Appeals."

Amend the Bill in section 2 in that part designated "§96-A." by striking out subsections 1 and 2 and inserting in their place the following:

'1. Filing with \longleftrightarrow commission. Any interested party may seek a determination of his rights under this Act by filing with the commission any petition authorized under this Act.

2. Service upon responding party. Copies of all petitions filed under this Act shall be served by certified mail, return receipt requested, to the other parties named in the petition. In the case of a petition by an employee, a copy of the petition shall be served upon the employer's insurer, or group self-insurer, and the time for filing an answer to the petition commences from the date of receipt of the petition by the insurer or group self-insurer.'

Further amend the ~~bill~~ Bill in section 7 in that part designated "§103." by striking out all of subsection 1 and inserting in its place the following:

Appeal.
'1. /Any party aggrieved by an order or decision of the commission may, within 30 days after its entry by the commission, appeal the order or decision to the Supreme Judicial Court, except that there may be no appeal upon questions of fact found by the commission or upon a memorandum of agreement approved by the commission.'

Further amend the Bill in section 7 in that part designated "§103.", subsection 3 in the first line and 12th and 13th lines (first line and 10th line in L.D.) by striking out the underlined words "decree or order" and inserting in their place the underlined words 'order or decision'.

Further amend the Bill in section 7 in that part designated "§103.", subsection 3, by striking out the 5th sentence and inserting in its place the following:
'The Supreme Judicial Court may, after consideration, reverse or modify any order or decision based upon an erroneous ruling or finding of law.'

Further amend the Bill by inserting before the statement of fact the following:

'4. Payment of interest. In cases where after appeal by an employer the original order or decision rendered by the commission or by any commissioner is affirmed, there shall be added to any amounts payable under the order or decision, the payment of which is delayed by such appeal, interest to the date of payment.'

5. Expenses of appeal. In all cases of appeal, the law court may order a reasonable allowance to be paid to the employee by the employer for expenses incurred in the proceedings of the appeal, including the record, but not including expenses incurred in other proceedings in the case.'

Statement of Fact

This amendment provides that the originals, ^{and not copies} of all petitions are to be filed with the commission. ←————— This comports with regular litigation practice.

The amendment also assures the appellate standard of review of ~~Workers'~~ compensation cases is kept the same as it is under present law. The original bill would have expanded the scope of judicial review.

The last section of the amendment, adding subsections 4 and 5, reenacts language that appears in the present version of section 103.

Reported by the Committee on Labor.
Reproduced and distributed under the direction of the Clerk of the House.