

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 1460**

H. P. 1235

House of Representatives, March 24, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Davis of Monmouth.

Cosponsors: Representative Armstrong of Wilton and Representative Damren of Belgrade.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT Concerning Attorney's Fees Under the Workers' Compensation Laws.**

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

**Sec. 1. 39 MRSA § 103 last ¶**, as enacted by PL 1979, c. 132, § 1, is repealed.

**Sec. 2. 39 MRSA § 110**, as last amended by PL 1979, c. 132, § 2, is repealed and the following enacted in its place:

**§ 110. Witness and attorney's fees**

**1. Assessment of employer's witness fees and attorney's fees.** When an employer, through or under his insurance carrier, institutes proceedings to terminate or reduce benefits payable under this chapter, the commission or commissioner may assess the employer costs of witness fees and a reasonable attorney's fee, on an hourly basis for work actually performed, when in the commission's or commissioner's judgment the witness or witnesses and the services of the attorney were necessary to the proper and expeditious disposition of the case.

**2. Assessment of employee's witness fees and attorney's fees.** When an employee institutes proceedings under this subchapter to secure benefits provided by this chapter, which benefits were not paid by an employer within 30 days of

**demand, and the employee successfully recovers the benefits, the commission or commissioner may assess the employer costs of witness fees and a reasonable attorney's fee, on an hourly basis for work actually performed, when in the commission's or commissioner's judgment the witness or witnesses and the services of the attorney were necessary to the proper and expeditious disposition of the case.**

#### STATEMENT OF FACT

The purpose of this bill is to provide for the assessment of attorney's fees under the Workers' Compensation Law.