

MAINE STATE LEGISLATURE

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

(Filing No. H-462)

COMMITTEE AMENDMENT "A" to H.P. 1252, L.D. 1476, Bill, "AN ACT to Create an Appellate Division of the Workers' Compensation Commission."

Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 39 MRSA §103, as repealed and replaced by PL 1981, c. 199, §7, is repealed.'

Further amend the bill in section 3, by striking out all of the first line and inserting in its place the following:

'Sec. 3. 39 MRSA §§103-A, 103-B, 103-C, 103-D and 103-E are enacted to read:'

Further amend the bill in section 3 in that part designated "§103-A." first paragraph, 3rd line (2nd in L.D.) by striking out the underlined words and punctuation "at least 2 panels, each" and inserting in their place the underlined word 'panels'

Further amend the bill in section 3, in that part designated "§103-A." first paragraph, 4th line (3rd in L.D.) by striking out the underlined words "of the" and inserting the underlined word 'of each'

Further amend the bill in section 3, in that part designated "§103-B." by inserting at the end of the 4th paragraph a new sentence to read:

'The decision shall be published and sent to the Law and Legislative Reference Library and the county law libraries.'

Further amend the bill in section 3, by inserting at the end the following:

'§103-D. Report to the Law Court

Decisions of the division may be reported directly to the Law Court pursuant to the Maine Rules of Civil Procedure, Rule 72.

§103-E. Enforcement of division

Any decision of the commissioners or the division shall be enforceable by the Superior Court by any suitable process, including execution against the goods, chattels and real estate, and including proceedings for contempt for willful failure or neglect to obey the orders or decrees of the court, or in any other manner that decrees for equitable relief may be enforced.'

Further amend the bill by striking out all of section 4 and inserting in its place the following:

'Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1982-83

Positions	(3)
Personal Services	\$26,936
All Other	7,065
Capital Expenditures	<u>2,855</u>
TOTAL	\$36,856

To provide salaries from February 8, 1983 to June 30, 1983, for a full-time commissioner, a law clerk and a clerk typist III and overhead expenses.

Further amend the bill by inserting at the end before the statement of fact the following:

Fiscal Note

The Workers' Compensation Commission estimates the appropriation is necessary as a result of this bill. The cost represents 5 months cost. The cost for a full year starting in 1983-84 will be Personal Services \$75,872 and All Other \$17,218 for a total of \$93,090.

Statement of Fact

This amendment:

- Makes
1. Clarifying changes in the language;
- Provides that a decision of the division shall be published and sent to the state and county law libraries;
- Preserves the right of direct appeal to the Law Court in certain circumstances; and
- Provides enforcement mechanisms for decisions of the division similar for the current enforcement mechanism.

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