

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 387

6
7 H.P. 328

House of Representatives, February 1, 1983

8 On Motion of Representative Beaulieu of Portland referred to the
9 Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Beaulieu of Portland.

Cosponsors: Representative Tammaro of Baileyville, Senator Hayes of
Penobscot and Representative Tuttle of Sanford.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Insure Prompt Answers to Petitions
18 Filed by Employers and Employees.
19

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

22 39 MRSA §97, as amended by PL 1981, c. 199, §3,
23 is further amended to read:

24 Within ~~30~~ 20 days after receipt of such petition
25 all the other parties interested in opposition shall
26 file an answer thereto with the commission and mail a
27 copy thereof to the petitioner, which answer shall
28 state specifically the contentions of the opponents
29 with reference to the claim as disclosed by the peti-
30 tion. The commission or any commissioner may grant
31 further time for filing answer, and allow amendments
32 to said petition or answer at any stage of the pro-
33 ceedings. If any party opposing such petition does

1 not file an answer within the time limited, the hear-
2 ing shall proceed upon the petition.

3 Except that, for good cause shown, a single com-
4 missioner may permit the late filing of any pleading
5 permissible under this Act.

6 STATEMENT OF FACT

7 For many years until 1981, both employees and
8 employers were required to file answers to any peti-
9 tions within 20 days. While the intent of the Legis-
10 lature in expanding that period to 30 days for
11 answering petitions was obviously to permit greater
12 flexibility, the practical results have served only
13 the interests of delay. Because an injured employee
14 may not know for some period of time after his injury
15 that it is in fact related to his work, he should
16 have the right to expect a speedy determination on
17 his claim once that determination is made.
18 Self-insured employers and insurance carriers can
19 reasonably be expected to file answers to petitions
20 filed by employees within 20 days (almost 3 weeks)
21 from the time they receive those petitions. This
22 permits adequate opportunity for investigation and
23 claims adjudication. To allow a further period in
24 which to answer such petitions has meant in some
25 instances that an employee must wait until the next
26 time the commission holds hearings in his area to
27 have his claim adjudicated. This can often result in
28 a delay of several weeks.

29 It is equally important to employers that their
30 petitions be answered promptly in order that any
31 necessary litigation may commence promptly. When an
32 employer files a Petition for Review of Incapacity,
33 for instance, it is often paying benefits to an
34 employee. If any hearing on that petition for review
35 is delayed by several weeks because the employee has
36 an additional 10 days in which to answer it, this may
37 result in the irrevocable loss of thousands of
38 dollars to an employer or its insurance carrier.
39 When multiplied times the number of claims in the
40 system, this bill would result in substantial savings
41 to employers and insurance carriers.

1 This bill is, therefore, intended to serve the
2 interests of both parties in prompt adjudication of
3 the claims on their merits.

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