

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
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3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 395

7 H.P. 336

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.

10 EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

Cosponsors: Representative Tammaro of Baileyville and Representative  
Norton of Biddeford.

12 STATE OF MAINE  
13

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

17 AN ACT to Require Workers' Compensation  
18 Commissioners to Explain Fully the Reasons  
19 for Their Decision.  
20

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

23 39 MRSA §99, first ¶, as amended by PL 1977, c.  
24 632, §1, is further amended to read:

25 If from the petition and answer there appear to  
26 be facts in dispute, the commissioner shall then hear  
27 such witnesses as may be presented, or by agreement  
28 the claims of both parties as to such facts may be  
29 presented by affidavits. If the facts are not in dis-  
30 pute, the parties may file with the commission an  
31 agreed statement of facts for a ruling upon the law  
32 applicable thereto. From the evidence or statements  
33 thus furnished the commissioner shall in a summary  
34 manner decide the merits of the controversy. His

1 decisions shall set forth fully the facts and evi-  
2 dence and law upon which his decision was based,  
3 including particular reference to his decision on  
4 credibility issues when those issues are integral to  
5 his decision. His decision, shall be filed in the  
6 office of the commission, and a copy thereof attested  
7 by the clerk of the commission mailed forthwith to  
8 all parties interested or to the attorney of record  
9 of each party. His decision, in the absence of  
10 fraud, upon all questions of fact shall be final but  
11 whenever in a decree the commission expressly rules  
12 that any party has or has not sustained the burden of  
13 proof cast upon him, the said finding shall not be  
14 considered a finding of fact but shall be deemed to  
15 be a conclusion of law and shall be reviewable as  
16 such.

#### 17 STATEMENT OF FACT

18 This bill is intended to reduce unnecessary  
19 litigation and appeal. Under current law, the Work-  
20 ers' Compensation Commission is permitted to issue a  
21 decree in "a summary manner." Very often, once such  
22 decrees are issued, both the employer and employee  
23 are at a total loss to understand what facts led the  
24 commissioner to reach his decision in the way that he  
25 did. The only recourse which an employer or employee  
26 has to clear up that confusion under current law is  
27 to request findings of fact and conclusions of law  
28 pursuant to Title 39, section 99. These requests  
29 for findings are time consuming to prepare for the  
30 commissioners and parties involved and serve to fur-  
31 ther delay any final adjudication of the merits of  
32 the claim. While it is true that it will take com-  
33 missioners additional time to write decisions when  
34 they will be required to set forth their reliance on  
35 particular evidence in reaching their initial deci-  
36 sions, such a procedure will obviate the need for the  
37 vast majority of motions for findings of fact. This  
38 will relieve the commissioners of an onerous task and  
39 will expedite the ultimate processing of claims. It  
40 will also serve the purpose of allowing all parties  
41 to understand immediately the basis on which a com-  
42 missioner reached a particular decision.

43 Therefore, this bill serves both the interests  
44 of clarity and understanding of decrees by the layman  
45 as well as the interests in speedy and final adjudi-

1 cation of the merits of an employee's or an employ-  
2 er's claim.

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