

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1361

6
7 H.P. 1036

House of Representatives, March 29, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Zirkilton of Mount Desert.

Cosponsor: Senator Perkins of Hancock.

11
12 STATE OF MAINE
13

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

17 AN ACT Concerning Attorneys' Fees
18 in Workers' Compensation Cases.
19

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

22 39 MRSA §110, first ¶, as amended by PL 1965, c.
23 489, §9, is further amended to read:

24 When the commission or commissioner finds that an
25 employee has instituted proceedings under this chap-
26 ter on reasonable grounds and in good faith or that
27 the employer through or under his insurance carrier
28 has instituted proceedings under this chapter, the
29 said commission or commissioner may assess the
30 employer costs of witness fees and a reasonable
31 attorney's fee, when in the commission's or commis-
32 sioner's judgment the said witnesses and the services
33 of the said attorney were necessary to the proper
34 and expeditious disposition of the case. If the com-

1 mission or commissioner finds that the proceedings do
2 not warrant assessment of full attorney's fees, the
3 commission or commissioner may assess the employer
4 partial attorney's fees as the commission or commis-
5 sioner may deem reasonable for that proceeding.

6 STATEMENT OF FACT

7 The purpose of this bill is to amend the workers'
8 compensation law dealing with the recovery of attor-
9 ney's fees by the employee. The bill makes it clear
10 that partial attorney's fees may be awarded based on
11 the merit of the employee's claim and the reasonable-
12 ness of awarding total or partial attorney's fees in
13 the particular proceeding.

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