MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

1 2	FIRST REGULAR SESSION
	ONE HUNDRED AND ELEVENTH LEGISLATURE
	Legislative Document No. 1460
	H.P. 1107 House of Representatives, April 13, 1983 Referred to the Committee on Labor. Sent up for concurrence and ordered printed. EDWIN H. PERT, Clerk
	Presented by Representative Lewis of Auburn.
	STATE OF MAINE
	IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-THREE
	AN ACT Relating to Attorneys' Fees Under the Workers' Compensation Law.
	Be it enacted by the People of the State of Maine as follows:
	Sec. 1. 39 MRSA §103-B, sub-§4, as enacted by PL 1981, c. 514, §6, is repealed and the following enacted in its place:
	4. Fees and costs. Fees and costs of appeal shall be permitted only as provided under section 110.
	Sec. 2. 39 MRSA §103-C, sub-§4, as enacted by PL 1981, c. 514, §6, is repealed and the following enacted in its place:
	4. Fees and costs. In all cases of appeal to the Law Court, fees and costs of appeal shall be permitted only as provided in section 110.

Sec. 3. 39 MRSA §110, as amended by PL 1979, c. 132, §2, is repealed and the following enacted in its place:

§110. Costs of appeal

No costs may be taxed in favor of either party on any appeal either in the Appellate Division of the Workers' Compensation Commission pursuant to section 103-B, or in the Law Court pursuant to section 103-C, except the record fee on appeal to the Law Court, and no party may be liable to pay any fees or costs in connection with these proceedings; except that, if an appeal is taken to the Appellate Division or to the Law Court that is found by the division or the Law Court to be either frivilous or taken for the purpose of vexation or delay, the division or Law Court may tax fees and costs in its discretion against the person taking the appeal.

STATEMENT OF FACT

The purpose of this bill is to eliminate the requirement of current law that an employer pay the legal expenses of an employee on appeals, whether the employee wins or loses.

Under this bill, modeled on Connecticut law, each side must bear its own expenses of appeals. If the Appellate Division of the Workers' Compensation Commission or the Law Court finds that an appeal was taken for frivilous or vexatious reasons, or for purposes of delay, it may, in its discretion, tax fees and costs against the party bringing that appeal.

30 3061040183