

MAINE STATE LEGISLATURE

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D. OF R.

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L.D. 1851

(Filing No. S- 289)

STATE OF MAINE
SENATE
111TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT A " to S.P. 661,
L.D. 1851, Bill, "AN ACT to Clarify the Procedures
to Appeal a Decision of the Workers' Compensation Di-
vision."

Amend the bill by inserting after the enacting
clause the following:

'Sec. 1. 39 MRSA §103-B, sub-§1, as amended by
PL 1983, c. 587, §2, is further amended to read:

1. Procedure. An appeal shall be taken from the
commission decision by filing a certified copy of the
decision, order or agreement, with the division with-
in 20 days after receipt of notice of the filing of
the decision by the commission or commissioner.

Any party in interest may present copies, certified
by the clerk of the commission, of any order, deci-
sion or agreement to the clerk of the division.

The failure of an appellant who timely notifies the
division of his desire to appeal to provide a certi-
fied copy of the decision, order or agreement ap-
pealed from shall not affect the jurisdiction of the
division to determine the appeal on its merits unless
the appellee shows substantial prejudice from that
failure.

This section shall apply to cases now pending before
the appellate division and to cases hereafter filed.'

Further amend the bill by inserting at the begin-
ning of the first line after the enacting clause the
abbreviation and number 'Sec. 2.'

Further amend the bill in subsection 1 in the 4th

D. OF R.

COMMITTEE AMENDMENT "A" to S.P. 661, L.D. 1851

1 line (page 1, line 28 in L.D) by striking out the
2 stricken out words "~~receipt of notice of~~" and insert-
3 ing in their place the following words 'receipt of
4 notice of'

5 STATEMENT OF FACT

6 Under this amendment, the 20-day appeal period
7 would start upon the receipt of notice of the filing
8 of the decision, just as in the current law. The
9 amendment also eliminates the requirement for a cer-
10 tified copy for appeal from an individual commission-
11 er's decision to the appellate division, as well as
12 from the division to the Law Court.

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Reported by the Committee on LABOR.

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