

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 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 78

6
7 H.P. 60

House of Representatives, January 16, 1985

8 Reference to the Committee on Labor suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Bonney of Falmouth.

Cosponsored by Representative Seavey of Kennebunkport and
Representative Weymouth of W. Gardiner.

11
12 STATE OF MAINE
13

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

17 AN ACT Concerning Lawyers' Fees under the
18 Workers' Compensation Act.
19

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

22 Sec. 1. 39 MRSA §103-B, sub-§4, as enacted by PL
23 1981, c. 514, §6, is amended to read:

24 4. Costs. Costs of appeal shall be allowed, in-
25 cluding the record, and including reasonable attor-
26 neys' fees as provided for under section 110. No at-
27 torney who represents an employee before the division
28 may recover any fee from that client for that repre-
29 sentation. Any attorney who violates this paragraph
30 shall lose his fee and is liable in a court suit to
31 pay damages to the client equal to 2 times the fee
32 charged that client.

33 Sec. 2. 39 MRSA §103-C, sub-§4, as enacted by PL
34 1981, c. 514, §6, is amended to read:

1 4. Costs. In all cases of appeal to the Law
2 Court, it may order a reasonable allowance to be paid
3 to the employee by the employer for expenses incurred
4 in the proceedings of the appeal, including the
5 record, but not including expenses incurred in other
6 proceedings in the case. Reasonable attorneys' fees
7 shall be allowed as provided for under section 110.
8 ~~No attorney who represents an employee before the~~
9 ~~court may recover any fee from that client for that~~
10 ~~representation. Any attorney who violates this para-~~
11 ~~graph shall lose his fee and is liable in a court~~
12 ~~suit to pay damages to the client equal to 2 times~~
13 ~~the fee charged that client.~~

14 Sec. 3. 39 MRSA §110, as amended by PL 1983, c.
15 479, §30, is repealed and the following enacted in
16 its place:

17 §110. Witness and attorneys' fees allowable

18 The commission or commissioner may assess the em-
19 ployer costs of witness fees and a reasonable attor-
20 ney's fee in any proceedings under this chapter in
21 which the employee has prevailed either before the
22 commission or on appeal. The employer may not be as-
23 essed costs of an attorney's fee attributable to
24 services rendered prior to one week after the infor-
25 mal conference under section 94-B or, if the informal
26 conference is waived, services rendered prior to the
27 date of that waiver, unless a party adverse to the
28 employee was so represented at that stage.

29 No attorney representing an employee who prevails
30 in a proceeding under this Act may receive any fee
31 from that client for an appearance before the commis-
32 sion or on appeal, including preparation for that ap-
33 pearance, except as provided in section 94-B, subsec-
34 tion 3. Any attorney who violates this paragraph
35 shall lose his fee and shall be liable in a court
36 suit to pay damages to the client equal to 2 times
37 the fee charged for that client.

1

STATEMENT OF FACT

2

3

4

5

6

This bill limits the assessment of witness and attorneys' fees against employers to those proceedings in which the employee has prevailed either before the Workers' Compensation Commission or an appeal.

7

1021010385