

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
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3 ONE HUNDRED AND TWELFTH LEGISLATURE  
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5 Legislative Document

No. 434

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7 S.P. 165

In Senate, February 5, 1985

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

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Dutremble of York.

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12 STATE OF MAINE  
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14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
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17 AN ACT Relating to the Admissibility of  
18 Certain Statements in Workers'  
19 Compensation Cases.  
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21 Be it enacted by the People of the State of Maine as  
22 follows:

23 39 MRSA §112, as amended by PL 1977, c. 696,  
24 §409, is repealed.

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STATEMENT OF FACT

2           The Maine Revised Statutes, Title 39, section 112  
3 of the Workers' Compensation Act prohibits the use of  
4 an employee's statements as evidence in all proceed-  
5 ings under the Act unless those statements are made  
6 under certain very strict conditions. One of these  
7 conditions is that the statements must be made in  
8 writing. Another is that the employee must be ad-  
9 vised, in advance, that the statements may be used  
10 against him and that he may consult with a lawyer be-  
11 fore making any statements.

12           This law is even stricter than the "Miranda"  
13 warning requirement applicable in criminal cases. In  
14 the area of civil litigation, it has no counterpart.  
15 It is a requirement that is unique to Maine's Work-  
16 ers' Compensation law.

17           This law is often used against employers to ex-  
18 clude information which is essential to reaching a  
19 fair decision. It is a provision which frequently  
20 prevents, rather than aids, the discovery of the  
21 truth. It often results in injustice by allowing  
22 persons to receive benefits when, by their own ear-  
23 lier admission, they were not injured on the job and  
24 are not entitled to compensation.

25           This bill repeals the law to enable all cases to  
26 be decided on their merits based on all reliable in-  
27 formation, including the employee's own statements.

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