

MAINE STATE LEGISLATURE

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L.D. 105

(Filing No. H- 270)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 74, L.D. 105, Bill, "An Act to Curtail Fraud in the Workers' Compensation System"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Permit the Reopening of Certain Workers' Compensation Cases'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 39 MRSA §102, as amended by PL 1977, c. 709, §5, is repealed and the following enacted in its place:

§102. Reopening for mistake of fact or fraud

1. Agreements. Upon the petition of either party at any time, the commission may annul any agreement which has been approved by the commission if it finds that the agreement has been entered into through mistake of fact by the petitioner or through fraud. Except in the case of fraud on the part of the employee, an employee is not barred by any time limit from filing a petition to have the matters covered by the agreement determined in accordance with this Act as though the agreement had not been approved.

2. Compensation payment scheme. Notwithstanding section 51-B, subsection 7, a party may petition the commission within one year of initiation of the payment scheme, award or decree to reopen any case in which fraud on the part of the opposing party is alleged. If the commission finds that the petitioning party had exercised due diligence in investigating the initial claim and further finds that fraud occurred, the commission may

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1 early investigation and settlement of claims. For these reasons,
2 a party must have exercised due diligence in investigating the
3 initial claim and in any event may not file a petition for
4 reopening after one year from the initiation of the payment
5 scheme, award or decree. Both of these requirements are adapted
6 from the Maine Rules of Civil Procedure, Rule 60(b), which
7 governs the reopening of civil court judgments.

Reported by the Committee on Labor
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5/23/89 (Filing No. H-270)