

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 915

S.P. 345

In Senate, March 23, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.

Cosponsored by Representative PINEAU of Jay, Representative CLARK of Millinocket and Representative CONLEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Define the Burden of Proof in Workers' Compensation Claims.



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

3 Sec. 1. 39 MRSA §93, sub-§7 is enacted to read:

5 7. Burden of proof. In a claim for workers' compensation,
7 the burden of proof shall be on the employer to prove that the
9 employee's claim is not valid. In weighing the evidence, the
11 benefit of any doubt should be in favor of the employee.

13 Sec. 2. 39 MRSA §94-A, sub-§3, as repealed and replaced by PL
15 1985, c. 372, Pt. A, §34, is repealed.

17 Sec. 3. 39 MRSA §94-B, sub-§2, as enacted by PL 1983, c. 479,
19 §19, is amended to read:

21 2. Conference procedure. The commissioner shall make every
23 effort to resolve any controversies or misunderstandings and
25 shall render an advisory opinion at the conference. The
27 commissioner is not bound by the ordinary common law or statutory
rules of evidence or procedure, but shall make inquiry in such
manner as is best calculated to ascertain the substantial rights
of the parties and carry out the spirit of this Act. It shall be
the employer's burden of proof to establish that the employee's
claim is not valid.

29 STATEMENT OF FACT

31 This bill makes it easier for injured workers to prove their
33 claims. It is unfair and a cause of delay to require injured
35 employees to develop proof of their claims. The burden of proof
should be on the insurance industry which has greater resources
and expertise. Section 2 repeals a recent amendment to the Act
which prevents liberal interpretation in favor of injured
employees.