

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1285

H.P. 919

House of Representatives, April 24, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Senator ESTY of Cumberland, Representative CASHMAN of Old Town and Representative BOUTILIER of Lewiston.

STATE OF MAINE

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

An Act Regarding the Review of the Workers' Compensation Denials.



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

3 **Sec. 1. 39 MRSA §94-A, sub-§3**, as repealed and replaced by PL
5 1985, c. 372, Pt. A, §34, is repealed and the following enacted
in its place:

7 3. Construction. In interpreting this Act, the commission
9 shall construe it with a view to carrying out its general
11 beneficent purpose. The rule that laws in derogation of the
common law are to be strictly construed shall have no application
to this Act.

13 **Sec. 2. 39 MRSA §103-B, sub-§2**, as enacted by PL 1981, c. 514,
15 §6, is amended to read:

17 2. Basis. There shall be no appeal upon questions of fact
19 found by the commission or by any commissioner except to correct
manifest error or injustice for which the appellant is not
responsible.

21 **STATEMENT OF FACT**

23 This bill replaces the construction language concerning
25 appeals from workers' compensation decisions with language
27 similar to that used in the Maine Revised Statutes, Title 39,
section 94-A, subsection 3, prior to June 1985. In addition,
29 this bill broadens the basis for appeal by allowing appeals upon
questions of fact to correct manifest error or injustice that is
no fault of the appellant.