

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)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 173

H.P. 128

House of Representatives, January 28, 1991

Reference to the Committee on Labor suggested and ordered printed.

EDWIN H. PERT, Clerk

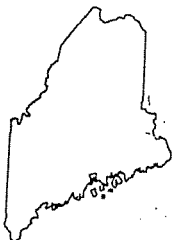
Presented by Representative GRAHAM of Houlton.

Cosponsored by Representative TREAT of Gardiner and Representative KERR of Old Orchard Beach.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Impose Mandatory Fines for Failure to Comply with Workers' Compensation Decisions.



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

2
39 MRSA §104-A, sub-§2-A, ¶A, as enacted by PL 1987, c. 559,
4 Pt. B, §45, is amended to read:

6 A. Except as otherwise provided by section 51-B, subsection
7 9, if an employer or insurance carrier fails to pay
8 compensation as provided in this section, the commission
9 shall assess against the a self-insured employer or
10 insurance-carrier a forfeiture of up to \$100 for each day of
11 noncompliance or shall assess against an insurance carrier a
12 forfeiture of at least \$1,000 for each day of
13 noncompliance. If the commission finds that the employer or
14 insurance carrier was prevented from complying with this
15 section because of circumstances beyond their the control of
16 the employer or carrier, no a forfeiture may not be assessed.

18 (1) One-half of the forfeiture shall must be paid to
19 the employee to whom compensation is due and 1/2 shall
20 must be paid to the commission and be credited to the
21 General Fund.

22 (2) If a forfeiture is assessed against any employer
23 or insurance carrier under this subsection on petition
24 by an employee, the employer or insurance carrier shall
25 pay reasonable attorney fees, as determined by the
26 commission, to the employee.

28 (3) Forfeitures assessed under this subsection may be
29 enforced by the Superior Court as provided in section
30 103-E.
31

32
34 **STATEMENT OF FACT**

36 The purpose of this bill is to impose a stiff penalty on an
37 insurer that delays payment of workers' compensation benefits to
38 an injured worker after the Workers' Compensation Commission has
39 issued a decision requiring payment. The bill requires that a
40 minimum fine of \$1,000 be assessed against the insurer for each
41 day of noncompliance.
42