

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
THIRD SPECIAL SESSION

HOUSE AMENDMENT "N" to H.P. 1783, L.D. 2464, Bill, "An Act to Reform the Workers' Compensation Act and Workers' Compensation Insurance Laws"

Amend the bill in Part A in section 8 in that part designated "§152." by striking out all of subsection 5 (page 20, lines 30 to 51 in L.D.) and inserting in its place the following:

'5. Employment of and contracts with hearing officers and mediators. The board shall submit for approval by the Legislature the names of hearing officers, who must be persons learned in the law and members of good standing of the bar of this State. The term of appointment for a hearing officer is 6 years from the date of that officer's appointment. The hearing officers appointed are authorized to take action and enter orders consistent with this Act in all cases assigned to them by the board and mediators. The hearing officers are entitled to receive reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the board.'

Further amend the bill in Part A in section 8 by inserting after that part designated "§321." the following:

'§321-A. Appellate Division created

1. Composition. There is created the Appellate Division of the Workers' Compensation Board referred to in this section and sections 321-B and 322 as the "division." It is composed of panels consisting of not less than 3 hearing officers. The members of each panel must be appointed by the Workers' Compensation Board from those currently serving as hearing officers of the Workers' Compensation Board. A hearing officer may not be a member of a panel that reviews that hearing officer's own decision. A hearing officer may be a member of more than one panel at the discretion of the board.

2           2. Rules. The division shall establish uniform rules of  
4           procedure calculated to provide a prompt and inexpensive review  
          of a decision by a hearing officer.

6           §321-B. Appeal from hearing officer decision

8           1. Procedure. An appeal may be taken from the decision of  
10           a hearing officer or a decision of the board if the board has  
12           reviewed a decision pursuant to section 320 by filing a copy of  
14           the decision, order or agreement with the division within 20  
          days after the receipt of notice of the filing of the decision by  
          the hearing officer or board.

16           Any party in interest may present copies of any order, decision  
          or agreement to the clerk of the division.

18           The failure of an appellant who timely notifies the division of  
20           the desire to appeal to provide a copy of the decision, order or  
22           agreement appealed from does not affect the jurisdiction of the  
          division to determine the appeal on its merits unless the  
          appellee shows substantial prejudice from that failure.

24           2. Basis. There may be no appeal upon questions of fact  
26           found by the hearing officer.

28           3. Action. The division, after due consideration, may  
30           reverse or modify any decree of the hearing officer or the board  
32           and shall issue a written decision. The written decision of the  
          division must be filed with the board and mailed to the parties  
          or their council.'

34           Further amend the bill in Part A in section 8 in that part  
36           designated "§322." in the first line (page 66, line 18 in L.D.)  
          by striking out the following: "hearing officer or board" and  
          inserting in its place the following: 'the division'

38           Further amend the bill in Part A in section 8 in that part  
40           designated "§322." in subsection 1 by striking out all of the  
42           first sentence (page 66, lines 20 to 24 in L.D.) and inserting in  
44           its place the following: 'Any party in interest may present a  
          copy of the decision of the division to the clerk of the Law  
          Court within 20 days after receipt of notice of the filing of the  
          decision by the division.'

46           Further amend the bill in Part A in section 8 in that part  
48           designated "§322." in subsection 2 in the last line (page 66,  
          line 34 in L.D.) by striking out the following: "board" and  
          inserting in its place the following: 'division'

2 Further amend the bill in Part A in section 8 in that part  
designated "§322." in subsection 3 in the first paragraph in the  
4 2nd line from the end (page 66, line 40 in L.D.) by striking out  
the following: "board" and inserting in its place the  
6 following: 'division'

8 Further amend the bill in Part A in section 8 in that part  
designated "§322." in subsection 3 in the last paragraph in the  
10 last line (page 66, line 50 in L.D.) by striking out the  
following: "board" and inserting in its place the following:  
12 'division'

14 Further amend the bill in Part A in section 8 in that part  
designated "§323." in the first line (page 66, line 52 in L.D.)  
16 by striking out the following: "board"

18 Further amend the bill in Part A in section 8 in that part  
designated "§323." in the first paragraph in the first line (page  
20 67, line 2 in L.D.) by inserting after the word "board" the  
following: 'or division' and in the 7th line (page 67, line 8 in  
22 L.D.) by striking out the following: "board, of any order or  
decision of the board" and inserting in its place the following:  
24 'board or of the division, of any order or decision of the board  
or of the division'

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### FISCAL NOTE

30 This amendment adds additional legislative confirmation  
requirements for hearing officers. The costs associated with  
32 these additional confirmation proceedings can be absorbed within  
the existing budgeted resources of the Legislature.

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### STATEMENT OF FACT

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This amendment amends the bill as follows.

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1. It requires the Workers' Compensation Board to submit  
for approval to the Legislature the names of the hearing officers  
42 whom the board wishes to appoint.

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2. It requires that the hearing officers be learned in law  
and in good standing with the bar.

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3. It establishes 6-year terms of the hearing officers.

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4. It establishes an intermediate appellate division for review of decisions of the hearing officers and the board.

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Filed by Rep. Stevens of Bangor

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