

MAINE STATE LEGISLATURE

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DATE: 5-14-99

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

HOUSE AMENDMENT "B" to S.P. 741, L.D. 2100, Bill, "An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases"

Amend the bill in section 1 in subsection 6 by inserting at the end the following blocked paragraph:

'If the executive director affirms the decision of the advocate to decline the case or terminate assistance, a qualified employee may retain counsel to represent that employee in all future proceedings under this Act. If the employee prevails in a controverted proceeding under this Act, the employee's attorney may recover from the employer a reasonable fee for those legal services that were necessary to sustain the employee's position on the issue on which the employee prevails as long as those services contributed to the prompt, just and expedient resolution of claims under this Act. As used in this subsection, "prevail" means to obtain or retain compensation or benefits under this Act.'

FISCAL NOTE

Allowing employees to retain counsel in cases when they have been denied assistance by an advocate may result in additional legal costs to the State's workers compensation program. The effect on employer contributions to the program can not be determined at this time.

HOUSE AMENDMENT

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HOUSE AMENDMENT "B" to S.P. 741, L.D. 2100

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SUMMARY

This amendment allows an employee who is denied assistance by an advocate to retain legal counsel. If the employee ultimately prevails in a workers' compensation proceeding, the employer is responsible for the reasonable attorney's fees incurred by the employee.

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