

# MAINE STATE LEGISLATURE

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L.D. 1527

DATE: 3/18/01

(Filing No. H-524)

MAJORITY  
LABOR

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 1130, L.D. 1527, Bill, "An Act to Provide Parity of Representation in Workers' Compensation Claims"

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Amend the bill by striking out the title and substituting the following:

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'An Act to Require an Employer to Pay an Employee's Attorney's Fees if the Employer Lacked Rational Grounds for Contesting Workers' Compensation Benefits'

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Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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'Sec. 1. 39-A MRSA §318, 2nd ¶, as enacted by PL 1999, c. 410, §2, is amended to read:

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The hearing officer, upon motion by the petitioning party, may include a finding in the decree that the employer's refusal to pay the benefits at issue was not based on any rational grounds developed between the claim and formal hearing. Upon such a finding, the hearing officer shall order the employer to reimburse the employee for reasonable attorney's fees and expenses incurred in obtaining the benefits at issue and the employer shall pay interest to the employee under section 205, subsection 6 at a rate of 25% per annum from the date each payment was due, instead of 10% per annum.'

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Further amend the bill by inserting at the end before the summary the following:

COMMITTEE AMENDMENT

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**FISCAL NOTE**

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The requirement that certain attorney's fees may be paid in certain actions regarding workers' compensation is expected to have a minor incremental impact on the workers' compensation rates paid by state agencies in the future.

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The additional costs associated with making a determination of a reasonable attorney's fee can be absorbed by the Workers' Compensation Board utilizing existing budgeted resources.'

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**SUMMARY**

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This amendment replaces the bill. It replaces the title and requires a hearing officer to order an employer to pay reasonable attorney's fees and expenses incurred by the employee if the hearing officer finds that the employer's refusal to pay benefits was not based on any rational grounds. It also adds a fiscal note to the bill.

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