

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1527

H.P. 1130

House of Representatives, March 8, 2001

An Act to Provide Parity of Representation in Workers' Compensation Claims.

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative HUTTON of Bowdoinham.
Cosponsored by Representative SMITH of Van Buren, Senator EDMONDS of Cumberland and
Representatives: BRYANT of Dixfield, COLWELL of Gardiner, GERZOFSKY of
Brunswick, LAVERRIERE-BOUCHER of Biddeford, TARAWEWICH of Waterboro.

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

2
4 Sec. 1. 39-A MRSA §325, sub-§6 is enacted to read:

6 6. Parity in attorney's fees. In any proceeding involving
8 a controversy under the Act, the board may assess the employer
10 cost of a reasonable attorney's fee and expenses when the
12 employer is represented by an attorney and the employee prevails.

14 A. For purposes of this subsection, "prevail" means to
16 obtain or retain more compensation or benefits under this
18 Act then were offered to the employee by the employer in
20 writing before the proceeding was instituted. If no such
22 offer was made, "prevail" means to obtain or retain
24 compensation or benefits under the Act.

26 B. In any proceeding in which the employer chooses not to
28 be represented by an attorney, the employee is not entitled
30 to attorney's fees and expenses.

32 C. This subsection applies to cases in which the injury to
34 the employee occurred on or after January 1, 1993, except
36 that this subsection does not apply to any proceeding
38 concluded before the effective date of this subsection.

SUMMARY

40 This bill provides parity for assessment of attorney's fees
42 under the Maine Workers' Compensation Act of 1992. Under this
44 bill, if an employee prevails and the employer is represented by
46 an attorney, the employer may be held liable for attorney's
48 fees. If the employer is not represented by an attorney, the
50 employee is not entitled to attorney's fees.