

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 56

H.P. 64

House of Representatives, January 16, 2003

An Act to Discourage Unfounded Workers' Compensation Disputes

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SMITH of Van Buren.
Cosponsored by Senator BRYANT of Oxford and
Representatives: HUTTON of Bowdoinham, JACKSON of Fort Kent, NORTON of Bangor,
PINEAU of Jay.

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

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

6 The hearing officer, upon motion by the petitioning party,
8 may include a finding in the decree that the employer's refusal
10 to pay the benefits at issue was not based on any rational
12 grounds developed between the claim and formal hearing. Upon
14 such a finding, 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, and the
employee's reasonable attorney's fees and costs.

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SUMMARY

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20 This bill requires that if a workers' compensation hearing
officer finds that an employer's refusal to pay benefits was not
based on any rational grounds, the employer must pay the
employee's reasonable attorney's fees and costs.