

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 4.19.05

(Filing No. S-92)

LABOR

Reported by:

MINORITY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 287, L.D. 879, Bill, "An Act To Ensure Equity in Appeals of Workers' Compensation Cases"

Amend the bill in section 1 by striking out all of subsection 1 (page 1, lines 6 to 25 in L.D.) and inserting in its place the following:

'1. Order or decision. The employer or insurance carrier shall make compensation payments within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of a hearing officer or of the board awarding compensation. If a hearing officer or the board enters a decision awarding compensation and a motion is made to find the facts specially and state separately the conclusions of law pursuant to section 318 or an appeal is filed with the Law Court pursuant to section 322, payments for ongoing post-decree compensation awarded pursuant to the decision may not be suspended while the motion or appeal is pending; however, benefits awarded in the form of a sum certain that accrue to the date of the decree may be suspended while the motion or appeal is pending. The employer or insurer may recover from an employee payments made pending appeal to the Law Court if and to the extent that the Law Court has decided that the employee was not entitled to the compensation paid. The board has full jurisdiction to determine the amount of overpayment, if any, and the amount and schedule of repayment, if any. The board, in determining whether or not repayment should be made and the

COMMITTEE AMENDMENT

2 extent and schedule of repayment, shall consider the financial
3 situation of the employee and the employee's family and may not
4 order repayment that would work hardship or injustice.'

6 **SUMMARY**

8 This amendment is the minority report of the committee. The
9 amendment allows the suspension of benefits awarded in the form
10 of a sum certain that accrue to the date of the decree pending a
11 motion for findings of facts and conclusions of law in addition
12 to pending an appeal to the Law Court.

14 **FISCAL NOTE REQUIRED**
16 **(See attached)**



122nd MAINE LEGISLATURE

LD 879

LR 0996(02)

An Act To Ensure Equity in Appeals of Workers' Compensation Cases

Fiscal Note for Bill as Amended by Committee Amendment **A**

Committee: Labor

Fiscal Note Required: Yes

Minority Report

Fiscal Note

Minor savings - All Funds

Fiscal Detail and Notes

Any savings to the State, as an employer, as a result of the suspension of benefits can not be determined at this time but are expected to be minor.