

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 41

S.P. 16

In Senate, January 9, 2007

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**An Act Regarding Final Agency Action Subject to Appeal Pursuant  
to the Maine Workers' Compensation Act of 1992**

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Reported by Senator STRIMLING of Cumberland for the Workers' Compensation Board pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11.

Reference to the Committee on Labor suggested and ordered printed under Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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

2 **Sec. 1. 39-A MRSA §360, sub-§3**, as enacted by PL 1991, c. 885, Pt. A, §8 and  
3 affected by §§9 to 11, is amended to read:

4 **3. Appeal.** ~~Imposition of a penalty~~ A decision of the board under this section is  
5 deemed to be final agency action subject to appeal to the Superior Court, as provided in  
6 Title 5, chapter 375, subchapter ~~VII~~ 7. Notwithstanding Title 5, section 11004, execution  
7 of a penalty assessed under this section is stayed during the pendency of any appeal under  
8 this subsection. The Attorney General shall represent the board in any appeal under this  
9 subsection or the board may retain private counsel for that purpose.

10

### SUMMARY

11 This bill clarifies that decisions issued by the Workers' Compensation Board pursuant  
12 to the Maine Revised Statutes, Title 39-A, section 360 are final agency action subject to  
13 appeal to the Superior Court whether or not a penalty is imposed.