

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 136

S.P. 44

In Senate, January 9, 2007

An Act Regarding the Enforcement of Penalties under the Maine Workers' Compensation Act of 1992

Submitted by the Workers' Compensation Board pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11.

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2 **Sec. 1. 39-A MRSA §361**, as enacted by PL 1993, c. 145, §6, is repealed and the
3 following enacted in its place:

4 **§361. Payment to the Workers' Compensation Board Administrative Fund;**
5 **enforcement**

6 **1. Payment.** All penalties assessed under this Act are payable to the Workers'
7 Compensation Board Administrative Fund, unless otherwise provided by law. Upon
8 certification by the board that certain amounts in the Workers' Compensation Board
9 Administrative Fund attributable to penalties assessed pursuant to this Act are not
10 required to support the activities of the board, the Treasurer of State shall transfer funds
11 in the amount certified by the board to the General Fund.

12 **2. Enforcement and collection.** All penalties assessed under this Act are
13 enforceable by the Superior Court under section 323.

14 A. The Attorney General shall prosecute any action necessary to recover penalties
15 payable to the Workers' Compensation Board Administrative Fund, Employment
16 Rehabilitation Fund or General Fund, or the board may retain private counsel for that
17 purpose.

18 B. If a person fails to pay a penalty assessed under this Act that is payable to the
19 Workers' Compensation Board Administrative Fund, Employment Rehabilitation
20 Fund or General Fund and enforcement by the Superior Court is necessary:

21 (1) That person shall pay the costs of prosecuting the action in Superior Court,
22 including reasonable attorney's fees; and

23 (2) If the failure to pay was without due cause, any penalty assessed on that
24 person under this section must be doubled.

25 **SUMMARY**

26 This bill authorizes the Workers' Compensation Board to opt for the Attorney
27 General or to hire private counsel to prosecute any action necessary to enforce penalties
28 payable to the Workers' Compensation Board Administrative Fund, Employment
29 Rehabilitation Fund or General Fund.