

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1268

S.P. 389

In Senate, March 23, 2011

**An Act To Allow the Repayment of Improperly Awarded Workers'
Compensation Benefits**

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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

2 **Sec. 1. 39-A MRSA §324, sub-§1**, as amended by PL 2009, c. 129, §9 and
3 affected by §13, is further amended to read:

4 **1. Order or decision.** The employer or insurance carrier shall make compensation
5 payments within 10 days after the receipt of notice of an approved agreement for payment
6 of compensation or within 10 days after any order or decision of the board awarding
7 compensation. If the board enters a decision awarding compensation, and a motion for
8 findings of fact and conclusions of law is filed with the hearing officer or an appeal is
9 filed with the Law Court pursuant to section 322, payments may not be suspended while
10 the motion for findings of fact and conclusions of law or appeal is pending. The
11 employer or insurer may recover from an employee payments made pending a motion for
12 findings of fact and conclusions of law or appeal to the Law Court if and to the extent that
13 the hearing officer or the Law Court has decided that the employee was not entitled to the
14 compensation paid. The board has full jurisdiction to determine the amount of
15 overpayment, if any, and the amount and schedule of repayment, if any. The board, in
16 determining whether or not repayment should be made and the extent and schedule of
17 repayment, shall consider the financial situation of the employee and the employee's
18 family and may not order repayment that would work hardship or injustice. The board
19 shall notify the Commissioner of Health and Human Services within 10 days after the
20 receipt of notice of an approved agreement for payment of compensation or within 10
21 days after any order or decision of the board awarding compensation identifying the
22 employee who is to receive the compensation. For purposes of this subsection,
23 "employer or insurance carrier" includes the Maine Insurance Guaranty Association
24 under Title 24-A, chapter 57, subchapter 3.

25 **SUMMARY**

26 Current law authorizes an employer or insurer to recover from an employee
27 overpayments made pending an appeal to the Law Court. This bill extends that
28 authorization to allow an insurer or employer to recover overpayments made to an
29 employee pending a motion for findings of fact and conclusions of law filed with the
30 hearing officer.