

# MAINE STATE LEGISLATURE

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ROFS

L.D. 1868

Date: 5-11-12

(Filing No. S- 570)

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STATE OF MAINE  
SENATE  
125TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 1383, L.D. 1868, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

Amend the amendment by inserting after Part E the following:

'PART F

**Sec. F-1. 39-A MRSA §320, 2nd ¶**, as amended by PL 2011, c. 647, §19, is further amended to read:

If Before January 1, 2013, if a hearing officer asks for review, the time for appeal to the Appellate Division Law Court pursuant to section ~~321-B~~ 322 is stayed and no further action may be taken until a decision of the board has been made. If the board reviews a decision of a hearing officer, any appeal must be from the decision of the board. The time for appeal begins upon the board's issuance of a written decision on the merits of the case or written notice that the board denies review.

**Sec. F-2. 39-A MRSA §320**, as amended by PL 2011, c. 647, §19, is further amended by adding after the 2nd paragraph a new paragraph to read:

Beginning January 1, 2013, if a hearing officer asks for review, the time for appeal to the Appellate Division pursuant to section 321-B is stayed and no further action may be taken until a decision of the board has been made. If the board reviews a decision of a hearing officer, any appeal must be from the decision of the board. The time for appeal begins upon the board's issuance of a written decision on the merits of the case or written notice that the board denies review.

**Sec. F-3. 39-A MRSA §321-A, sub-§1**, as enacted by PL 2011, c. 647, §20, is amended to read:

**1. Establishment.** ~~There~~ Beginning January 1, 2013, there is established within the board the Appellate Division, referred to in this subchapter as "the division."

**Sec. F-4. 39-A MRSA §321-B, sub-§5** is enacted to read:

**5. Effective date.** This section takes effect January 1, 2013.

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**Sec. F-5. 39-A MRSA §322, sub-§1**, as amended by PL 2011, c. 647, §21, is further amended to read:

**1. Appeals before January 1, 2013.** ~~Any~~ Before January 1, 2013, any party in interest may present a copy of the decision of ~~the division~~ a hearing officer or a decision of the board, if the board has reviewed a decision pursuant to section 320, to the clerk of the Law Court within 20 days after receipt of notice of the filing of the decision by the ~~division~~ hearing officer or the board. Within 20 days after the copy is filed with the Law Court, the party seeking review by the Law Court shall file a petition seeking appellate review with the Law Court that sets forth a brief statement of the facts, the error or errors of law that are alleged to exist and the legal authority supporting the position of the appellant.

**Sec. F-6. 39-A MRSA §322, sub-§1-A** is enacted to read:

**1-A. Appeals on or after January 1, 2013.** Beginning January 1, 2013, any party in interest may present a copy of the decision of the division or a decision of the board, if the board has reviewed a decision pursuant to section 320, to the clerk of the Law Court within 20 days after receipt of notice of the filing of the decision by the division or the board. Within 20 days after the copy is filed with the Law Court, the party seeking review by the Law Court shall file a petition seeking appellate review with the Law Court that sets forth a brief statement of the facts, the error or errors of law that are alleged to exist and the legal authority supporting the position of the appellant.

**Sec. F-7. Effective date.** This Part takes effect 90 days after the adjournment of the Second Regular Session of the 125th Legislature.'

Amend the amendment by inserting at the end before the last indented paragraph the following:

'Amend the bill by striking out all of the emergency clause (page 41, lines 30 and 31 in L.D.) and inserting the following:

**'Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.'

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment amends Committee Amendment "A" to provide that the Appellate Division of the Workers' Compensation Board is established on January 1, 2013. Current law will continue to apply to appeals of decisions of hearing officers before January 1, 2013.

SPONSORED BY: David Hastings III DRM  
(Senator HASTINGS)

COUNTY: Oxford