

MAINE STATE LEGISLATURE

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NINETY - NINTH LEGISLATURE

Legislative Document

No. 510

H. P. 351

House of Representatives, February 5, 1959

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Caron of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Appeals in Workmen Compensation Cases.

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

Sec. 1. R. S., c. 31, § 41, amended. The last sentence of the first paragraph of section 41 of chapter 31 of the Revised Statutes is amended to read as follows:

'Such decree shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in a suit in equity duly heard and determined by said court ~~except that there shall be no appeal therefrom upon questions of fact found by said commission or by any commissioner, or where the decree is based upon a memorandum of agreement approved by the commissioner of labor and industry~~ that such appeal therefrom shall be upon questions of law and questions of fact, either or both of them, and such expense incurred in such proceedings taken before the commission or commissioners that is the subject matter of such appeal, as provided in sections 31 and 32, as the law court may approve as reasonable and proper based upon the record presented to the law court on such appeal.'

Sec. 2. R. S., c. 31, § 41, amended. The last sentence of the last paragraph of section 41 of chapter 31 of the Revised Statutes is repealed and the following sentence enacted in place thereof:

'Cost may be awarded by the law court in its discretion, including counsel fee and all reasonable expense of such appeal, and also to include, in addition, such expense incurred in such proceedings taken before the commission or commissioners that is the subject matter of such appeal, as provided in sections 31 and 32, as the law court may approve as reasonable and proper based upon the record presented to the law court on such appeal.'