

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

2. Legislation. The committee shall report to the Legislature, with its report, any legislation which is necessary to accomplish its recommendations.

Effective September 19, 1985.

CHAPTER 431

S.P. 642 - L.D. 1656

AN ACT to Correct an Error and an Omission in the Workers' Compensation Law.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain technical errors and inconsistencies exist in the workers' compensation law; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 24-A MRSA §2357, as enacted by PL 1985, c. 372, Pt. B, §5, is amended to read:

§2357. Nonseverability

In the event that any portion of this subchapter, except section 2355, subsections 2 and 6, is held invalid, it is the intent of the Legislature that this entire subchapter, except section 2355 and this

section, is invalidated and the provisions of Title 39, section 22-C, subsection 13 and section 22-D are also invalidated. In the event that section 2355, subsection 2 is held invalid, it is the intent of the Legislature that this entire subchapter and the provisions of Title 39, section 22, subsection 13, sections 22-D, 53-A, 54-A, 55-A, 58-A and 62-B; section 94-A, subsection 3; section 110, subsection 2, and section 112-A are also invalidated, provided that the effective date of the invalidation of sections 53-A, 54-A, 55-A, 58-A and 62-B; section 94-A, subsection 3; section 110, subsection 2; and section 112-A shall be 60 days after the date of a court decision effectively invalidating section 2355 if the Legislature is in regular session on the date of that court decision, or, if the Legislature is not in regular session on that date, 60 days after the date of the convening of the next regular session.

Sec. 2. 39 MRSA §110, sub-§2, as repealed and replaced by PL 1985, c. 372, Pt. A, §43, is amended to read:

2. Injuries on or after effective date of section. If an employee prevails in any proceeding involving a controversy under this Act, the commission or commissioner may assess the employer costs of a reasonable attorney's fee and witness fees whenever the witness was necessary for the proper and expeditious disposition of the case.

The employer may not be assessed costs of an attorney's fee attributable to services rendered prior to one week after the informal conference under section 94-B or, if the informal conference is waived, services rendered prior to the date of that waiver, unless a party adverse to the employee was so represented at that stage.

No attorney representing an employee who prevails in a proceeding involving a controversy under this Act may receive any fee from that client for an appearance before the commission, including preparation for that appearance, except as provided in section 83, subsection 7 and section 94-B, subsection 3. Any attorney who violates this paragraph shall lose his fee and be liable in a court suit to pay damages to his client equal to 2 times the fee charged for that client.

This subsection applies only to employees injured on and after the effective date of this subsection.

A. For the purposes of this subsection, "prevail" means to obtain or retain more compensation or benefits under the Act than were offered to the employee by the employer in writing before the proceeding was instituted. If no such offer was made, "prevail" means to obtain or retain compensation or benefits under the Act.

B. Any employee, employer or insurance carrier involved in any proceeding involving a controversy under this Act shall report to the commission, on forms provided by the commission, any amounts that he has paid for legal assistance in that proceeding, including any amount paid for an employee's legal fees under this subsection.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 25, 1985.

CHAPTER 432

S.P. 643 - L.D. 1657

AN ACT Relating to the Certification of Local Law Enforcement Officers.

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

25 MRSA §2803, sub-§1, as amended by PL 1983, c. 244, §1, is further amended to read:

1. Training and certification of deputy sheriffs and local law enforcement officers. In accordance with the provisions of section 2805 to set standards for admission to the academy, set requirements for graduation from the academy, prescribe curriculum and certify both graduates of the academy and persons for whom the board of trustees have waived the requirements of section 2805. The board of trustees may not set standards for admission to the academy until July 1, 1990, for persons required to be trained pursuant to Title 30, section 6210, subsection 4, which standards are higher than those in force on the effective date of Title 30, section 6210, subsection 4;

Effective September 19, 1985.
