

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

**Sec. 1. 39-A MRSA §361**, as enacted by PL 1993, c. 145, §6, is repealed and the following enacted in its place:

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

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

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

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

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

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

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

## **SUMMARY**

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