

SUPREME JUDICIAL COURT OF MAINE

Cote v. Georgia-Pacific Corp.

596 A.2d 1004 (Me. 1991) · Decided June 18, 1991

SUMMARY

The Supreme Judicial Court of Maine held that Maine's Workers' Compensation Act does not authorize reimbursement for purely housekeeping services provided to an injured employee. The court vacated the Appellate Division's decision and remanded for an order denying the claimant's petition for housekeeping expenses.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Wathen, J.; McKusick, C.J.; Roberts, J.; Glassman, J.; Clifford, J.; Collins, J.; Brody, J.
JURISDICTION	Maine
DECIDED	June 18, 1991
DISPOSITION	vacated
PROCEDURAL POSTURE	Employer appealed the Appellate Division of the Workers' Compensation Commission's affirmance of an award reimbursing the claimant for housekeeping expenses. The Supreme Judicial Court of Maine granted appellate review.
STANDARD OF REVIEW	Statutory interpretation; the Commission may exercise only powers expressly granted by the Workers' Compensation Act.
PRECEDENTIAL VALUE	Published opinion; binding Maine Supreme Judicial Court decision.
PARTIES	Georgia-Pacific Corporation v. Roderick Cote

TOPICS

- workers compensation
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- workers compensation
- employment law

QUESTIONS PRESENTED

1. Whether section 52 of the Maine Workers' Compensation Act authorizes reimbursement for housekeeping services incurred because of a compensable injury.
2. Whether the Workers' Compensation Commission may award housekeeping expenses when the statute expressly provides for medical, surgical, hospital, nursing, medicinal, and mechanical or surgical-aid expenses.

HOLDINGS

1. Section 52 does not authorize reimbursement for purely custodial or housekeeping services.
2. The court will not expand section 52 to include housekeeping reimbursement when the statutory language does not fairly encompass that benefit.

KEY QUOTATIONS

“In construing section 52, we hold that reimbursement for housekeeping expenses is not included under the provisions of the statute.” (596 A.2d at 1006)

“We decline to create statutory “rights [and] liabilities under the guise of construction.”” (596 A.2d at 1006)

FACTUAL BACKGROUND

Roderick Cote sustained a compensable injury to both arms that required four surgeries and left him totally disabled for approximately eighteen months. After his first operation, his surgeon instructed him to greatly restrict his activities. Cote paid his sister \$85 per week to prepare meals, clean the house, and do laundry for him and his two teenage sons, and sought reimbursement under the Workers' Compensation Act.

PROCEDURAL HISTORY

The Workers' Compensation Commission granted Roderick Cote's petition for reimbursement of housekeeping expenses incurred during his period of disability. The Commission's Appellate Division affirmed. Georgia-Pacific Corporation appealed, and the Supreme Judicial Court of Maine vacated the Appellate Division's decision and remanded for entry of an order denying the petition.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Remanded to the Workers' Compensation Commission for entry of an order denying the petition to fix housekeeping expenses.

CASES CITED

- Prout v. Bluebird Ranch, Inc., 440 A.2d 1047, 1048 (Me. 1982)
- Lavoie v. International Paper Co., 403 A.2d 1186, 1191 (Me. 1979)

- State v. Niles, 585 A.2d 181, 182 (Me. 1990)
- Smyers v. Workers' Compensation Appeals Board, 157 Cal. App. 3d 36, 41-42, 203 Cal. Rptr. 521, 523 (1984)
- CATV Support Serv., Inc. v. Lohr, 509 So. 2d 1189, 1190-1191 (Fla. Dist. Ct. App. 1987)
- DeLong v. 3015 West Corp., 491 So. 2d 1306, 1307 (Fla. Dist. Ct. App. 1986)
- Walt Disney World Co. v. Harrison, 443 So. 2d 389, 393 (Fla. Dist. Ct. App. 1983)
- Quinn v. Archbishop Bergan Mercy Hosp., 232 Neb. 92, 95, 439 N.W.2d 507, 509 (1989)
- St. Clair v. County of Grant, 110 N.M. 543, 552, 797 P.2d 993, 1002 (N.M. Ct. App. 1990)
- Ross v. Northern States Power Co., 442 N.W.2d 296, 300 (Minn. 1989)
- Trejo v. Michigan Sugar Co., 133 Mich. App. 753, 757-758, 350 N.W.2d 314, 316 (1984)
- Warren Trucking Co., Inc. v. Chandler, 221 Va. 1108, 1117-1118, 277 S.E.2d 488, 494 (1981)
- Rines v. Scott, 432 A.2d 767, 769 (Me. 1981)