

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 488

7 H.P. 405

House of Representatives, February 1, 1983

8 Received by the Clerk of the House on February 1, 1983. Referred to the
9 Committee on Labor, and ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

10 Presented by Representative Zirnkilton of Mount Desert.

Cosponsors: Representative Swazey of Bucksport, Representative
Gauvreau of Lewiston and Senator Pray of Penobscot.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Change the Workers'
18 Compensation Law with Respect to
19 Asbestosis.
20

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

23 Sec. 1 39 MRSA §189, as amended by PL 1971, c.
24 376, is further amended to read:

25 §189. Compensation limits

26 Compensation for partial or total incapacity or
27 death from occupational disease shall be payable in
28 the same manner and amounts as provided in sections
29 54, 55 and 58. Compensation shall not be payable for
30 incapacity by reason of occupational diseases unless
31 such incapacity results within 3 years after the last
32 injurious exposure to such disease in the employment.
33 This section shall not apply in cases involving
34 asbestosis or any other asbestos-related disease.

1 Sec. 2. 39 MRSA §194-A, as enacted by PL 1967,
2 c. 374, §8, is repealed.

3 Sec. 3. 39 MRSA §194-B is enacted to read:

4 §194-A. Asbestosis. In the absence of substan-
5 tial evidence to the contrary, disability or death
6 from asbestosis or any other asbestos-related disease
7 shall be presumed to be due to the nature of any
8 occupation, provided:

9 1. That the employee can demonstrate a medical
10 diagnosis of an asbestos-related disease; and

11 2. That the employee can demonstrate that
12 asbestos fibers or products were present at the
13 employee's place of employment.

14 STATEMENT OF FACT

15 Asbestos-related disability often results years
16 after the initial exposure. This change in the law
17 recognizes that reality and removes asbestos-related
18 cases from the usual rule that, in order to be com-
19 pensable, incapacity must result within 3 years of
20 injurious exposure.

21 The 2nd change provides that, assuming a worker
22 has a diagnosed asbestos-related disease and that
23 asbestos fibers or products were present on his work
24 site, that disease will be presumed to have been due
25 to the nature of his employment.

26 This change is not intended to be retroactive in
27 application.

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