

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 809

S.P. 245

In Senate, February 14, 2019

**An Act To Expand and Clarify the Disqualification from Workers'
Compensation Benefits of an Employee Who Is Injured While
Under the Influence of Drugs or Alcohol**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative NADEAU of Winslow and
Senators: BLACK of Franklin, CLAXTON of Androscoggin, DAVIS of Piscataquis,
HAMPER of Oxford, Representatives: BRADSTREET of Vassalboro, FECTEAU of
Biddeford, PICKETT of Dixfield, SKOLFIELD of Weld.

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

2 **Sec. 1. 39-A MRSA §202**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected
3 by §§9 to 11, is amended to read:

4 **§202. Injury or death due to willful intention or intoxication**

5 Compensation or other benefits are not allowed for the injury or death of an
6 employee when it is proved that the injury or death was occasioned by the employee's
7 willful intention to bring about the injury or death of the employee or of another, or that
8 ~~the injury or death resulted from the employee's intoxication~~ employee was intoxicated
9 from use of an illegal drug, marijuana or alcohol while on duty when the injury or death
10 occurred. This provision as to intoxication does not apply if the employer knew at the
11 time of the injury that the employee was intoxicated or that the employee was in the habit
12 at that time of becoming intoxicated while on duty.

13 **SUMMARY**

14 Under current law, workers' compensation benefits are not allowed for the injury or
15 death of an employee when the injury or death was caused by the employee's
16 intoxication. This bill eliminates that provision and instead disallows benefits for an
17 employee who was intoxicated at the time of the injury or death. This bill also clarifies
18 that intoxication includes intoxication from an illegal drug, marijuana or alcohol.