

MAINE STATE LEGISLATURE

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March 21, 1963

Earle R. Hayes, Executive Secretary

State Retirement System

Leon V. Walker, Jr., Assistant

Attorney General

Occupational Disability under the Retirement Law

In your memorandum of March 19, 1963, you ask whether a heart attack, suffered by an employee while at work, can be considered as an "injury" received in line of duty within the meaning of R. S. Chapter 63-A, section 7. You refer to the case of Lloyd Alward, whose case under the Workmen's Compensation Act has been handled by this office.

Chapter 63-A does not define "injury" nor is it defined in any other chapter. To say that a heart attack is an injury in all cases would certainly be incorrect. Like the Workmen's Compensation Act, the Retirement Law is for the benefit of employees, and it would, therefore, be improper to go to the other extreme and say that a heart attack should never be classed as an injury.

In interpreting the Retirement Law, it would seem appropriate to rely on the law developed under the provisions of the Workmen's Compensation Act which provides benefits for accidental injuries. In Larsen, Workmen's Compensation Law, it is said that "if the strain of claimant's usual exertion causes collapse from heart weakness" there is an accidental injury. This theory of the law has the approval of the Maine Industrial Accident Commission. The answer to your general question, then, is that whether a heart attack is an injury in a given case depends upon the facts and the application of those facts to the above-quoted law.

In the case now before you, the Industrial Accident Commission has applied the facts to the law and made the following finding in its decree dated September 11, 1958:

"We find as a fact that this petitioner has satisfied us by a fair preponderance of the evidence that he did receive a personal injury by accident on March 16, 1958."

In view of this finding, it would be entirely appropriate for you to find that the employee received an injury within the meaning of the Retirement Law.

Leon V. Walker, Jr.
Assistant Attorney General

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