

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 916

H. P. 679

House of Representatives, February 17, 1971

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Tyndale of Kennebunkport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to Total Incapacity Resulting from Second Injuries under
Workmen's Compensation Law.

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

Sec. 1. R. S., T. 39, § 57, amended. The first sentence of the first paragraph of section 57 of Title 39 of the Revised Statutes is amended to read as follows:

If an employee who has previously ~~lost, or lost the use of, one hand, one arm, one foot, one leg or one eye,~~ becomes permanently and totally incapacitated ~~through the loss or loss of use of another member or organ~~ incurred a permanent incapacity by accidental injury, disease or congenital causes, sustains an industrial injury which in combination with the earlier preexisting impairment, shall result in total and permanent impairment, the employer shall be liable only for the compensation payable for such second injury.

Sec. 2. R. S., T. 39, § 57, amended. The last paragraph of section 57 of Title 39 of the Revised Statutes, as amended by chapter 90 of the public laws of 1969, is further amended to read as follows:

In every case of the death of an employee under this Act where there is no person entitled to compensation, the employer shall pay to the Industrial Accident Commission the sum of ~~\$1,000~~ \$5,000, to be deposited with the Treasurer of State for the benefit of said fund, and the commission shall direct the distribution thereof.

STATEMENT OF FACT

The above amendment to the Industrial Accident and Occupational Disease Law, is proposed as a means of providing more protection to both the handi-

capped employee and to the employer and to thereby improve employment opportunities for handicapped persons generally. This is minimum protection afforded a number of states at present. Some states now cover the total impairment resulting from second injuries, whether totally disabling or not.