

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2542

H. P. 1993

House of Representatives, February 28, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Simplify the Occupational Disease Law and to Conform with the
Recommendations of the National Commission on State Workmen's
Compensation Laws in Regard to Occupational Disease.

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

Sec. 1. R. S., T. 39, § 2, sub-§ 10, additional. Section 2 of Title 39 of the Revised Statutes, as amended, is further amended by adding a new subsection 10 to read as follows:

10. Injury. "Injury" shall mean injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such injury.

Sec. 2. R. S., T. 39, § 95, amended. Section 95 of Title 39 of the Revised Statutes, as last repealed and replaced by section 8 of chapter 489 of the public laws of 1965, is amended to read as follows:

§ 95. Time for filing petitions

Any employee's claim for compensation under this Act shall be barred unless an agreement or a petition as provided in section 94 shall be filed within 2 years after the date of the ~~accident~~ injury. Any time during which the employee is unable by reason of physical or mental incapacity to file said petition shall not be included in the period ~~aforsaid~~ provided in this section. If the employee fails to file said petition within said period because of mistake of fact as to the cause or nature of the injury, he may file said petition within

a reasonable time. In case of the death of the employee, there shall be allowed for filing said petition one year after such death. No petition of any kind may be filed more than 10 years following the date of the latest payment made under this Act. **The period for filing claims in regard to occupational disease or infection shall not commence to run until the employee is disabled by the occupational disease.**

Sec. 3. R. S., T. 39, §§ 181 - 195, repealed. Section 181, section 182, as amended by section 3 of chapter 374 of the public laws of 1967, section 183, as amended by section 4 of chapter 374 of the public laws of 1967, sections 184 to 188, section 189, as repealed and replaced by section 5 of chapter 374 of the public laws of 1967 and as amended by chapter 376 of the public laws of 1971, sections 190 to 192, section 193, as repealed and replaced by section 6 of chapter 374 of the public laws of 1967 and as amended by section 3 of chapter 318 of the public laws of 1971, section 194, as amended by section 7 of chapter 374 of the public laws of 1967, section 194-A, as enacted by section 8 of chapter 374 of the public laws of 1967 and section 195, as amended by section 9 of chapter 374 of the public laws of 1967, of Title 39 of the Revised Statutes, are repealed.

STATEMENT OF FACT

The National Commission on State Workmen's Compensation Laws and the United States Department of Labor recommend that all States provide full coverage for work-related diseases; forty-one states presently comply with this recommendation. It is impractical and arbitrary to define work-related diseases by specific enumeration or to apply fixed time limits. This Act would provide that the medical questions of the etiology of a disease and of the degree of impairment from that disease would be established by the testimony of physicians before the Industrial Accident Commission.