

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 759

S. P. 227

In Senate, February 25, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Speers of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

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. 39 MRSA § 2, sub-§ 10, is enacted to read:

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Sec. 2. 39 MRSA § 95, 2nd sentence, as last repealed and replaced by PL 1965, c. 408, § 9, is amended to read:

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 aforesaid provided in this section.

Sec. 3. 39 MRSA § 95, as last amended by PL 1973, c. 788, § 233, is further amended by adding at the end the following new sentence:

The period for filing claims or for giving notice to the employer in regard to occupational disease or infection shall not commence to run until the employee is disabled by the occupational disease or until the date of the last exposure to the conditions related to the disease, whichever is later.

Sec. 4. 39 MRSA §§ 181-195, as amended, are repealed.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; 41 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.