

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-211)

SENATE AMENDMENT " A " to H.P. 1261, L.D. 1490, Bill,
"AN ACT to Avoid Delays in Payment of Workmen's Compensation
Claims because of the Involvement of Two or More Insurance
Carriers."

Amend the Bill by striking out everything after the
amending clause and inserting in its place the following:

'§104-B. Liability when 2 carriers dispute over financial
responsibility

If an employee has sustained more than one injury while
employed by the same employer and if the employer was insured
under this Act by one carrier when the first injury took place
and insured under this Act by a 2nd carrier when the last injury
took place and if there is a dispute between the 2 carriers as to
their financial responsibility concerning each injury, the
carrier providing coverage at the time of the last injury
shall be responsible to the employee for payment of weekly
compensation benefits for the last injury and shall have the right
of subrogation against the first insurance carrier for the amount
of the first carrier's financial responsibility for the employee's
first injury.'

Statement of Fact

Because Maine law provides that an employer is liable for any
aggravation of a preexisting injury, usually the last carrier is
ultimately held to be liable for payment of weekly/^{compensation}benefits

to injured employees. Further, an insurer on a risk at the time
a claim is processed by an employee usually has^a/better
relationship with^{an} employer than the former insurer.

(Hewes)
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