

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-410)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 381, L.D. 424, Bill, "AN ACT to Reduce the Multiple Injury Litigation before the Workers' Compensation Commission."

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

'39 MRSA §104-B, as enacted by PL 1977, c. 368, is repealed and the following enacted in its place:

§104-B. Multiple injuries; apportionment of liability

1. Applicability. Where 2 or more occupational injuries occur, during either a single employment or successive employments, which combine to produce a single incapacitating condition, and more than one insurer is responsible for that condition, their liability shall be governed by this section.

2. Liability to employee. If an employee has sustained more than one injury while employed by different employers, or if an employee has sustained more than one injury while employed by the same employer and that employer was insured by one insurer when the first injury occurred and insured by another insurer when the subsequent injury or injuries occurred, the insurer providing coverage at the time of the last injury shall initially be responsible to the employee for all benefits payable under this Act.

3. Subrogation. Any insurer determined to be liable for benefits under subsection 2 shall be subrogated to the employee's rights under this Act for all benefits the insurer has paid and for which another insurer may be liable. Any such insurer may,

in accordance with rules prescribed by the commission, file a petition for an apportionment of liability among the responsible insurers. The commission shall have jurisdiction over all claims for apportionment under this section. In any proceeding for apportionment, no insurer is bound as to any finding of fact or conclusion of law made in a prior proceeding to which it was not a party.'

Statement of Fact

This amendment provides for a procedure under which an insured employee may receive prompt payment of benefits in multiple injury cases without having to wait for a determination of each carrier's share of the total liability.

Reported by the Committee on Labor.  
Reproduced and distributed under the direction of the Clerk of the House.

5/15/81

(Filing No. H-410)