

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 424

H. P. 381

House of Representatives, January 26, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Reduce the Multiple Injury Litigation before the Workers' Compensation Commission.

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

Sec. 1. 39 MRSA § 104-B, as enacted by PL 1977, c. 368, is repealed.

Sec. 2. 39 MRSA § 113 is enacted to read:

§ 113. Multiple injuries or disease exposures; apportionment of liability; subrogation of rights.

An employee who suffers 2 or more occupational injuries or disease exposures may petition the Workers' Compensation Commission for his full benefits from any responsible employer or insurer. Liability for his compensation may not be apportioned unless the employee successfully petitions against 2 or more employers or insurers. After any proceeding involving 2 or more occupational injuries or disease exposures, the employer or insurer sued directly by the employee shall be subrogated to the employee's rights under this Act against other employers, for all benefits it has paid for which other employers or insurers may be liable.

Sec. 3. 39 MRSA § 185 is repealed.

STATEMENT OF FACT

This bill seeks to reduce multiple injury litigation by giving the insurer financially responsible for litigation the choice of whether or not to sue other carriers. It also streamlines the procedural handling of multiple injury cases before the Workers' Compensation Commission.