

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 643

H. P. 567

House of Representatives, February 4, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative A. Martin of Brunswick.

Cosponsor: Representative Hayden of Durham.

STATE OF MAINE

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

AN ACT Concerning the Treatment of Asbestosis under the Workers' Compensation Act.

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

39 MRSA § 194-A, as enacted by PL 1967, c. 374, § 8, is repealed.

STATEMENT OF FACT

The present Workers' Compensation Law contains a supposed presumption on treatment of asbestosis as an occupational disease. This section reads as follows:

§ 194-A. Asbestosis

In the absence of evidence in favor of the claim, disability or death from asbestosis shall be presumed not to be due to the nature of any occupation, unless during the 15 years immediately preceding the date of disability the employee has been exposed to the inhalation of asbestos dust over a period of not less than 2 years. If the employee shall have been employed by the same employer during the whole of such 2-year period, his right to compensation against such employer shall not be affected by the fact that he had been employed during any part of such period outside of this State.

Besides being incomprehensible, this section is virtually useless. It ignores

overwhelming medical evidence that asbestosis can become disabling even if exposure has occurred over 15 years ago. For example, there are shipyard workers whose exposure ended before 1965 who are presently finding they have disabling asbestosis.

This bill recognizes that the section is unnecessary and unused and therefore repeals it.