

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 798

H. P. 684

House of Representatives, February 11, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Michaud of East Millinocket.

Cosponsor: Representative Hayden of Durham.

STATE OF MAINE

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

AN ACT to Improve the Evaluation of Hearing Loss under the Workers' Compensation Statute.

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

Sec. 1. 39 MRSA § 193, sub-§ 2, as enacted by PL 1967, c. 374, § 6, is amended to read:

2. Limitations on sound frequencies. Losses of hearing due to industrial noise for compensation purposes shall be confined to the frequencies of ~~500, 1,000 and 2,000~~ 1,000, 2,000 and 4,000 cycles per second. Loss of hearing ability for frequency tones above ~~2,000~~ 4,000 cycles per second are not to be considered as constituting disability for hearing.

Sec. 2. 39 MRSA § 193, sub-§ 3, first sentence, as enacted by PL 1967, c. 374, § 6, is amended to read:

The percent of hearing loss, for purposes of the determination of compensation claims for occupational deafness shall be calculated as the average, in decibels, of the thresholds of hearing for the frequencies of ~~500, 1,000 and 2,000~~ 1,000, 2,000 and 4,000 per second.

STATEMENT OF FACT

Under the present statute, it is very difficult to obtain benefits for occupational hearing loss. This bill will allow benefits for hearing losses occurring in the higher frequencies, 1,000, 2,000 and 4,000 decibels, where occupational hearing loss is more common. The employee still must prove that hearing loss is due to injurious noise in employment.

At present, it is very rare that an employee is able to collect any benefits at all for hearing loss, even when the hearing loss significantly interferes with the employee's ability to hear.