

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1441

H. P. 1215

House of Representatives, March 23, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.

STATE OF MAINE

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

AN ACT Relating to the Filing of First Reports and the Workers' Compensation Law.

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

Sec. 1. 39 MRSA § 63, first sentence, as amended by PL 1973, c. 788, § 227, is further amended to read:

No proceedings for compensation under this Act, except as provided, shall be maintained unless a notice of the injury shall have been given within 30 days after the date thereof **that the employee loses work as a result of the injury.**

Sec. 2. 39 MRSA § 95, first sentence, as last amended by PL 1975, c. 372, is further amended to read:

Any employee's claim for compensation under this Act shall be barred unless an agreement or a petition as provided in section 94 shall be filed **within 2 years after the date of the injury that the employer files a report under section 106**, or, if the employee is paid by the employer or the insurer, without the filing of any petition or agreement, within 2 years of any payment by such employer or insurer for benefits otherwise required by this Act.

Sec. 3. 39 MRSA § 106, first ¶, first sentence, as amended by PL 1973, c. 788, § 236, is further amended to read:

Whenever any employee has reported to an employer under the Act any injury

arising out of and in the course of his employment which has caused the employee to lose a day's work ~~or has required the services of a physician, or whenever the employer has knowledge of any such injury~~ every such employer shall within 7 days after ~~said the notice or knowledge~~ make report thereof to the commission, with the average weekly wages or earnings of such employee, together with such other particulars as the commission may require; and shall report whenever the injured employee shall resume his employment, and the amount of his wages or earnings at such time.

STATEMENT OF FACT

The present law provides that an employer must file a first report, but provides no practical sanction if an employer having notice of the injury does not file that report. One difficulty is that there is often an injury which does not appear to be serious or lead to lost time, which later develops into a serious injury and leads to lost time. This bill provides that an employer does not have an obligation to report an injury by a first report until it leads to lost time and that the employee's obligation to give notice of the injury to the employer and file a claim does not arise until there is lost time from employment.

In order to make meaningful the obligation of the employer to report lost time injuries to the Workers' Compensation Commission and to enable to commission to accomplish its functions, this bill provides that the time period for filing claims does not commence until the employer has filed a first report of injury with the Workers' Compensation Commission.