

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 388

6
7 H.P. 329

House of Representatives, February 1, 1983

8 On Motion of Representative Beaulieu of Portland referred to the
9 Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Connolly of Portland.

Cosponsors: Representative Swazey of Bucksport and Representative Tuttle of Sanford.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Require Employees to Provide
18 Prompt Notice of Disability to Employers.
19

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

22 39 MRSA §63, first ¶, as amended by PL 1973, c.
23 788, §227, is further amended to read:

24 No proceedings for compensation under this Act,
25 except as provided, ~~shall~~ may be maintained unless a
26 notice of the injury shall have been given within 30
27 days after the date ~~thereof~~ of disability arising
28 from the injury or the date on which the employee
29 discovers the injury is related to his employment,
30 whichever is later. ~~Such~~ The notice shall include
31 the time, place and cause, and the nature of the
32 injury, together with the name and address of the
33 person injured. It shall be given by the person
34 injured or by a person in his behalf; or, in the

1 event of his death, by his legal representatives, or
2 by a dependent or by a person in behalf of either.

3 STATEMENT OF FACT

4 This bill is intended to clarify an ambiguous
5 area of the current law. The employee's obligation
6 to give notice should not arise until the employee
7 becomes disabled from his injury or he knows that his
8 injury is related to his work. To require the
9 employee to provide notice of every injury, whether
10 or not he is certain it is work-related, would
11 encourage the filing of frivolous claims and increase
12 costs to employers.

13 A classic case which occurs repeatedly in work-
14 ers' compensation is that of an employee suffering a
15 hernia after performing heavy lifting at work. Quite
16 often, the employee may go to his physician, who
17 diagnoses a hernia, but is unable to tell the
18 employee whether or not that hernia was related to
19 his heavy lifting at his place of employment. The
20 only way in which that determination can be made is
21 for surgery to be performed and the condition medi-
22 cally corrected. Thus, the employee is in a position
23 of not knowing whether or not his injury was related
24 to his work. Should he be required, as he may be
25 under current law, to file a notice of injury with
26 his employer, this will trigger a complex set of
27 procedures which are costly to the employer and
28 potentially time wasting to the commission. When one
29 imagines the thousands of injuries which occur in
30 Maine work places each year which may or may not be
31 work-related, it is simple common sense and expedi-
32 ency to require employees to provide notice of those
33 injuries only when they have been advised by their
34 physicians that they in fact have an injury related
35 to their work.

36 1838011083