

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1038

6
7 H.P. 798

House of Representatives, March 4, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Nadeau of Lewiston.

Cosponsors: Representative Clark of Millinocket, Senator Hayes of
11 Penobscot and Representative MacEachern of Lincoln.

12 STATE OF MAINE
13

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

17 AN ACT to Improve the Evaluation of Hearing
18 Loss under the Workers' Compensation Act.
19

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

22 Sec. 1. 39 MRSA §193, sub-§2, as enacted by PL
23 1967, c. 374, §6, is amended to read:

24 2. Limitations on sound frequencies. Losses of
25 hearing due to industrial noise for compensation pur-
26 poses shall be confined to the frequencies of ~~500,~~
27 ~~1,000 and 2,000~~ 1,000, 2,000 and 4,000 cycles per
28 second. Loss of hearing ability for frequency tones
29 above ~~2,000~~ 3,000 cycles per second are not to be
30 considered as constituting disability for hearing.

1 Sec. 2. 39 MRSA §193, sub-§3, as amended by PL
2 1979, c. 313, is further amended to read:

3 3. Determination of hearing loss. The percent of
4 hearing loss, for purposes of the determination of
5 compensation claims for occupational deafness shall
6 be calculated as the average, in decibels, of the
7 thresholds of hearing for the frequencies of 500,
8 1,000 and 2,000 ~~1,000, 2,000 and 3,000~~ per second.
9 Hearing levels shall be measured by means of
10 pure-tone air-conduction audiometric instruments cali-
11 brated in accordance with American National Stan-
12 dards Institute Standard S3.22-1976, and in an area
13 with ambient noise level within the limits specified
14 in American Standards Association Criteria for Back-
15 ground Noise in Audiometric Room S3.1, 1960. If the
16 losses of hearing average 15 decibels or less in the
17 3 frequencies, such losses of hearing shall not then
18 constitute any compensable hearing disability. If the
19 losses of hearing average 82 decibels or more in the
20 3 frequencies, then the same shall constitute and be
21 total or 100 percent compensable hearing loss.

22 STATEMENT OF FACT

23 Under the present statute, it is very difficult
24 to obtain benefits for occupational hearing loss.
25 This bill allows benefits for hearing losses occur-
26 ring in the higher frequencies, 1,000, 2,000 and
27 3,000 decibels, where occupational hearing loss is
28 more common. The employee still must prove that
29 hearing loss is due to injurious noise in employment.

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

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