

MAINE STATE LEGISLATURE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 236, L.D. 348, Bill, "An Act to Provide for Constructive Notice of Injury for Workers' Compensation Purposes"

Amend the bill by striking out the title and inserting in its place the following:

'An Act to Permit Notice of Injury for Workers' Compensation Purposes to Be Given to First-aid Station Personnel'

Further amend the bill by striking everything after the enacting clause and before the statement of fact and inserting in its place the following:

'39 MRSA §63, 2nd ¶, as amended by PL 1987, c. 103, §1, is further amended to read:

Such notice shall be given to the employer, or to one employer if there are more employers than one; or, if the employer is a corporation, to any official thereof; or to any employee designated by the employer as one to whom reports of accidents to employees should be made. It may be given to the general superintendent or to the foreman in charge of the particular work being done by the employee at the time of the injury. Notice may be given to any doctor, nurse or other emergency medical personnel employed by the employer for the treatment of employee injuries and on duty at the work site. If the employee is self-employed, notice shall be given to the insurance carrier or to the insurance carrier's agent or agency with which the employer normally does business.

FISCAL NOTE

This bill may result in additional filings of first reports of injuries. The Workers' Compensation Commission will be able to absorb the additional administrative costs within existing budgeted resources. This bill may also increase future workers'

COMMITTEE AMENDMENT "A" to H.P. 236, L.D. 348

1 compensation benefits paid by the State in those instances when
2 the appropriate medical personnel fail to report a work-related
3 injury and the 44-day period expires. These instances are not
4 expected to occur often and the resulting additional benefit
5 payments would not be significant.'

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STATEMENT OF FACT

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11 This amendment completely replaces the bill and provides
12 that an injured employee may satisfy the obligation to provide
13 notice of a work-related injury to the employer by giving the
14 notice to any emergency medical personnel employed by the
15 employer for the treatment of employee injuries and who are on
16 duty at the worksite. This ensures that an employee's workers'
17 compensation claim will not be barred if the employee informs the
employer's first-aid personnel of a work-related injury.

Reported by the Committee on Labor
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House
5/2/89

(Filing No. H-133)