

# 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)



# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

---

Legislative Document

No. 348

H.P. 236

House of Representatives, February 23, 1989

Reference to the Committee on Labor suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Representative RUHLIN of Brewer, Representative PINEAU of Jay and Senator MATTHEWS of Kennebec.

---

STATE OF MAINE

---

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

---

**An Act to Provide for Constructive Notice of Injury for Workers'  
Compensation Purposes.**

---



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

3 **39 MRSA §64**, as amended by PL 1973, c. 788, §228, is  
5 further amended to read:

7 **§64. Sufficiency of notice; knowledge of employer; extension of  
time for notice**

9 A notice given under section 63 shall not be held invalid or  
11 insufficient by reason of any inaccuracy in stating any of the  
13 facts ~~therein~~ required for proper notice, unless it is shown that  
15 it was the intention to mislead and that the employer was in fact  
17 misled ~~thereby~~ by the notice. Want of such notice shall not be a  
19 bar to proceedings under this Act if it be shown that the  
21 employer or his the employer's agent had knowledge of the injury.  
23 It shall be conclusively presumed that an employer has knowledge  
of the injury if an employee receives medical treatment or advice  
for an injury from a first-aid station or similar medical  
facility located on the work site and provided by the employer  
for the treatment of employee injuries. Any time during which  
25 the employee is unable by reason of physical or mental incapacity  
to give ~~said~~ notice, or fails to do so on account of mistake of  
27 fact, shall not be included in the 30-day period specified. In  
case of the death of the employee within ~~said~~ that period, there  
shall be allowed for giving ~~said~~ the notice 3 months after such  
death.

27

29 **STATEMENT OF FACT**

31

33 Current law requires an employee to notify the employer  
35 within 30 days of any work-related injury or risk losing possible  
workers' compensation benefits. Lack of notice is not a defense  
37 to a valid claim for compensation if the employer or the  
employer's agent has actual knowledge of the injury. This bill  
creates a conclusive presumption that the employer has such  
39 knowledge where the employee is treated or receives advice  
concerning an injury from a first-aid station at the work site.  
41 This presumption is reasonable since the medical personnel at the  
first-aid station would be serving as agents of the employer for  
43 purposes of receiving notice of the injury.

43

45