

# MAINE STATE LEGISLATURE

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DK  
H. of S.

L.D. 687

(Filing No. H- 603)

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 216,  
L.D. 687, Bill, "An Act to Amend the Occupational Disease Law"

Amend the amendment by striking out everything after the  
title and before the statement of fact and inserting in its place  
the following:

'Amend the bill by inserting before the enacting clause the  
following:

'Mandate preamble. This measure requires one or more local  
units of government to expand or modify activities so as to  
necessitate additional expenditures from local revenues but does  
not provide funding for at least 90% of those expenditures.  
Pursuant to the Constitution of Maine, Article IX, Section 21,  
two thirds of all of the members elected to each House have  
determined it necessary to enact this measure.'

'Further amend the bill by striking out all of sections 2,  
3, 4, 5 and 6 and inserting in their place the following:

'Sec. 2. 39-A MRSA §609-A is enacted to read:

§609-A. Medical services

An employee with an occupational disease is entitled to  
medical services as provided to an injured worker under the Maine  
Workers' Compensation Act of 1992 even if the employee is not  
incapacitated by the occupational disease. Compensation is not  
payable for medical services due to an occupational disease  
unless the diagnosis of the occupational disease is made within 3  
years after the last injurious exposure to the occupational  
disease in the employment.

**HOUSE AMENDMENT**

R. of S.

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The 3-year limitation under this section does not apply to a full-time firefighter who files a claim for an occupationally related cancer under this chapter and whose last injurious exposure to a carcinogen in the employer's employment occurred after January 1, 1985. For the purposes of this section, "full-time firefighter" means a regular full-time member, active or retired, of a municipal fire department if that person has aided in the extinguishment of fires, whether or not that person had administrative duties or other duties as a member of the municipal fire department.

Sec. 3. 39-A MRSA §614, sub-§5, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

5. Compensation limit. The 3-year limit limits provided in section sections 609 does and 609-A do not apply to asbestos-related diseases.

Nothing in this section may be construed to require retroactive payments of compensation for periods of incapacity that occurred prior to October 1, 1983 or retroactive payments of death benefits for periods of time prior to October 1, 1983. Compensation for claims permitted under this section is payable only for periods of incapacity occurring after October 1, 1983.

Further amend the bill by inserting at the end before the statement of fact the following:

**FISCAL NOTE**

This bill requires local units of government to make additional expenditures to provide medical services to certain full-time firefighters suffering from an occupational disease. Pursuant to the Mandate Preamble, the two thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local cost of these requirements.

The expanded definitions of occupational disease may have several effects on the General Fund. It is likely that the number of workers' compensation claims by state employees will increase, thereby increasing costs to state agencies. The amount of these increased costs will not be significant.

In addition, the expanded definition of occupational disease may result in an eventual increase in workers' compensation rates, thereby resulting in increased revenues to the General Fund from insurance premium tax collections. The amount of these increased General Fund revenues can not be determined at this time.

A. of S.

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 216, L.D.  
687

2           The Workers' Compensation Board will incur some minor  
3 additional costs to administer additional workers' compensation  
4 claims under the Occupational Disease Law. These costs can be  
5 absorbed within the board's existing budgeted resources.

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### STATEMENT OF FACT

10           This amendment incorporates all of Senate Amendment "B" to  
11 Committee Amendment "A", adds a mandate preamble and replaces the  
12 fiscal note.

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Filed by Rep. Chonko of Topsham  
Reproduced and distributed under the direction of the Clerk of the  
House  
6/3/93

(Filing No. H-603)

# HOUSE AMENDMENT