

MAINE STATE LEGISLATURE

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705
R. of S.

L.D. 687

(Filing No. H-616)

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

HOUSE AMENDMENT "C" 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 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 when there is no incapacity

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.

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 dees 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

HOUSE AMENDMENT

benefits for periods of time prior to October 1, 1983.
2 Compensation for claims permitted under this section is payable
4 only for periods of incapacity occurring after October 1, 1983.

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

8 **FISCAL NOTE**

10 The expanded definitions of occupational disease may have
12 several effects on the General Fund. It is likely that the
14 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.

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

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

28
30 **STATEMENT OF FACT**

32 This amendment clarifies the prerequisites for awarding
34 compensation due to an employee's occupational disease. As under
36 current law, compensation for incapacity is not awarded unless
the incapacity results within 3 years of the last injurious
38 exposure in employment. Medical services are compensable if the
occupational disease is diagnosed within 3 years of the last
injurious exposure. An award of medical benefits within this
40 period does not authorize the award of incapacity benefits where
the incapacity does not result until after the expiration of the
3-year period.

42 This amendment retains the current exemption from the 3-year
44 limit for medical benefits for asbestos-related diseases. The
amendment does not change current law regarding firefighter
46 incapacity claims for cancer.

Filed by Rep. Ruhlin of Brewer
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6/4/93 (Filing No. H-616)