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)

phos.	
J.C.	

	•
	L.D. 687
2	(Filing No. S- $\frac{240}{}$)
4	(Filing No. S-)
72	
6	
•	STATE OF MAINE
8	SENATE
10	116TH LEGISLATURE FIRST REGULAR SESSION
10	FIED I REGULAR DESSION
12	ρ
	senate amendment " \mathcal{B} " to committee amendment "a" to s.p.
14	216, L.D. 687, Bill, "An Act to Amend the Occupational Disease Law"
16	
	Amend the amendment by striking out everything after the
18	title and before the statement of fact and inserting in its place
20	the following:
20	'Amend the bill by striking out all of sections 2, 3, 4, 5
22	and 6 and inserting in their place the following:
24	'Sec. 2. 39-A MRSA §609-A is enacted to read:
26	\$609-A. Medical services
40	3009-A. Medical Services
28	An employee with an occupational disease is entitled to
	medical services as provided to an injured worker under the Maine
30	Workers' Compensation Act of 1992 even if the employee is not
3 2	incapacitated by the occupational disease. Compensation is not
3 4	payable for medical services due to an occupational disease unless the diagnosis of the occupational disease is made within 3
34	years after the last injurious exposure to the occupational
	disease in the employment.
36	
	The 3-year limitation under this section does not apply to a

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.

Page 1-LR2014(7)

- 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 limits provided in 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 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

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.

The Workers' Compensation Board will incur some minor 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.'

STATEMENT OF FACT

This amendment clarifies the prerequisites for awarding compensation due to an employee's occupational disease. As under current law, compensation for incapacity is not awarded unless the incapacity results within 3 years of the last injurious 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 period does not authorize the award of incapacity benefits where the incapacity does not result until after the expiration of the 3-year period.

Page 2-LR2014(7)

SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to S.P. 216,

The amendment retains the current exemption from the 3-year limit for asbestos-related diseases and firefighter claims for cancer.

.

(Senator HANDY SPONSORED BY:

D10

COUNTY: Androscoggin

12

10

8

2

Reproduced and Distributed Pursuant to Senate Rule 12. (5/28/93) (Filing No. S-240)

Page 3-LR2014(7)