

# MAINE STATE LEGISLATURE

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L.D. 687

(Filing No. S- 92)

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
FIRST REGULAR SESSION

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

Amend the bill by striking out all of sections 2, 3 and 4 and inserting in their place the following:

Sec. 2. 39-A MRSA §609, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is repealed and the following enacted in its place:

§609. Compensation limits

Compensation for partial or total incapacity or death from occupational disease is payable as provided in sections 212, 213 and 215. Compensation is not payable for incapacity or medical services due to an occupational disease unless the incapacity results or the diagnosis of the occupational disease is made within 3 years after the last injurious exposure to the occupational disease in the employment.

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 subsection, "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.'

Further amend the bill by striking out all of section 6.

Further amend the bill by renumbering the sections to read consecutively.

**COMMITTEE AMENDMENT**

R. of S.

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

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**FISCAL NOTE**

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8 The expanded entitlement to medical benefits for employees  
diagnosed with an occupational disease may have several effects  
on the General Fund. It is likely that the number of workers'  
10 compensation claims by state employees will increase thereby  
increasing costs to state agencies. The amount of these  
12 increased costs can not be determined at this time.

14

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

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

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**STATEMENT OF FACT**

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This amendment strikes out most of the sections of the  
original bill amending the Occupational Disease Law and retains  
32 only those provisions that relate to the Law Court's recent  
opinion that employees who have an occupational disease but have  
34 not lost any work time due to the disease are not entitled to  
medical benefits. This amendment provides that the employee may  
36 be entitled to medical benefits under the Occupational Disease  
Law even if the employee is not yet incapacitated by that  
38 disease. The amendment also provides that the current statute of  
limitations for compensation under the Occupational Disease Law  
40 also applies to medical benefits. The amendment also adds a  
fiscal note.

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Reported by the Majority for the Committee on Labor.  
Reproduced and Distributed Pursuant to Senate Rule  
12.  
(4/28/93) (Filing No. S-92)