

MAINE STATE LEGISLATURE

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MS

L.D. 1346

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 957, L.D. 1346, Bill, "An Act to Amend the Occupational Disease Law"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 39-A MRSA §206, first ¶, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

An employee sustaining a personal injury arising out of and in the course of employment or disabled by or diagnosed as having an occupational disease is entitled to reasonable and proper medical, surgical and hospital services, nursing, medicines, and mechanical, surgical aids, as needed, paid for by the employer.

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:

COMMITTEE AMENDMENT

R. O. S.

COMMITTEE AMENDMENT "A" to H.P. 957, L.D. 1346

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

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

12 **Sec. 4. Retroactivity; application.** This Act applies
13 retroactively to October 24, 1992 and applies to medical expenses
14 incurred by an employee on or after that date, regardless of the
15 date on which the occupational disease was originally diagnosed,
16 provided the diagnosis was made within 3 years after the last
17 injurious exposure to the occupational disease in the
18 employment. Notwithstanding the Maine Revised Statutes, Title 1,
19 section 302, this Act applies to actions and proceedings pending
20 at the time of passage of this Act.'

22 **STATEMENT OF FACT**

24
25 This amendment retains only those provisions in the original
26 bill that relate to the Maine Law Court's 1992 opinion that
27 employees who have an occupational disease but have not lost any
28 work time due to the disease are not entitled to medical
29 benefits. This amendment provides that the employee may be
30 entitled to medical benefits even if the employee is not yet
31 incapacitated by the occupational disease. These medical
32 benefits are not available unless the diagnosis of the
33 occupational disease was made within 3 years of the last
34 injurious exposure, the same limitation that applies to wage loss
35 benefits for an occupational disease. The amendment makes these
36 changes retroactive to the day after the Maine Law Court's
37 decision and applicable to cases where the diagnosis was made
38 prior to the effective date of this amendment or prior to the
39 court's decision. The change also applies to pending actions and
40 proceedings.