

MAINE STATE LEGISLATURE

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LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 955, L.D. 1318, Bill, "An Act to Clarify the Doctrine of Res Judicata in Workers' Compensation Cases"

Amend the bill by striking out the title and substituting the following:

'An Act to Clarify the Application of Law in Workers' Compensation Cases'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 39-A MRSA §201, sub-§6 is enacted to read:

6. Prior work-related injuries. If an employee suffers a work-related injury that aggravates, accelerates or combines with the effects of a work-related injury that occurred prior to January 1, 1993 for which compensation is still payable under the law in effect on the date of that prior injury, the employee's rights and benefits for the portion of the resulting disability that is attributable to the prior injury must be determined by the law in effect at the time of the prior injury.'

SUMMARY

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Labor. It overrules the Maine Supreme Judicial Court's decisions in Ray v. Carland

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 955, L.D. 1318

2 Construction, Inc. and Pelletier v. Maine Medical Center, 703
4 A.2d 648 (Me. 1997), in which the court ignored the legislative
directive in Public Law 1991, chapter 885, Part A, section 10
prohibiting retroactive application of the Workers' Compensation
Act of 1992.

COMMITTEE AMENDMENT