

MAINE STATE LEGISLATURE

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L.D. 1067

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 364, L.D. 1067, Bill, "An Act to Amend the Workers' Compensation Laws"

Amend the bill by striking out all of sections 1 and 2 (page 1, lines 3 to 50 and page 2, lines 1 to 39 in L.D.) and inserting in their place the following:

'**Sec. 1. 2 MRSA §6-E, sub-§5**, as enacted by PL 1993, c. 145, §1, is repealed and the following enacted in its place:

5. Deputy directors. The salary of the deputy directors is within the following salary ranges:

A. Deputy Director of Medical/Rehabilitation Services, Range 85;

B. Deputy Director of Business Services, Range 85; and

C. Deputy Director of Benefits Administration, Range 85.'

Further amend the bill in section 3 in subsection 9 in the 13th line from the end (page 3, line 15 in L.D.) by inserting after the following: "audit report" the following: ', including the underlying reconciled information,'

Further amend the bill by striking out all of section 7 (page 4, lines 28 to 49 and page 5, lines 1 to 16 in L.D.) and inserting in its place the following:

COMMITTEE AMENDMENT

R 015

2 'Sec. 7. 39-A MRSA §306, as enacted by PL 1991, c. 885, Pt.
4 A, §8 and affected by §§9 to 11, is repealed and the following
 enacted in its place:

6 **§306. Time for filing petitions**

8 1. Statute of limitations. Except as provided in this
10 section, a petition brought under this Act is barred unless filed
12 within 2 years after the date of injury or the date the
 employee's employer files a first report of injury as required in
 section 303, whichever is later.

14 2. Payment of benefits. If an employer or insurer pays
16 benefits under this Act, with or without prejudice, within the
18 period provided in subsection 1, the period during which an
 employee or other interested party must file a petition is 6
 years from the date of the most recent payment.

20 3. Establishment of injury. If the occurrence of a
22 work-related injury is established by board decree, mediation
24 report or agreement of the parties without the payment of
26 benefits as provided in subsection 2, the period during which an
 employee or other interested party may file a petition is 6 years
 from the date of that decree, report or agreement.

28 4. Physical or mental incapacity. If an employee is unable
30 to file a petition because of physical or mental incapacity, the
 period of that incapacity is not included in the limitation
 period provided in subsection 1.

32 5. Mistake of fact. If an employee fails to file a
34 petition within the limitation period provided in subsection 1
36 because of mistake of fact as to the cause or nature of the
 injury, the employee may file a petition within a reasonable
 time, subject to the 6-year limitation provided in subsection 2.

38 6. Death of employee. If an employee dies as a result of a
40 work-related injury, a petition is barred unless filed within one
42 year after the death or 2 years from the date of injury,
 whichever is later, but in any event not later than 6 years from
 the date of last payment.'

44 Further amend the bill by inserting after section 10 the
46 following:

48 'Sec. 11. Application. That section of this Act that repeals
 and replaces the Maine Revised Statutes, Title 39-A, section 306
 applies to injuries occurring on or after January 1, 1993.

