## 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)

		L.D. 1067				
2	DATE: May 7, 1999	(Filing No. S-241 )				
4	DAIL. Hay /, 1999	(IIIIIg No. B-212 )				
6	LABOR					
8	Reported by:					
10	Reproduced and distributed un of the Senate.	nder the direction of the Secretary				
12	STAT	E OF MAINE				
14	SENATE 119TH LEGISLATURE					
16	FIRST REGULAR SESSION					
18	COMMITTEE AMENDMENT "A"	to S.P. 364, L.D. 1067, Bill, "An				
20	Act to Amend the Workers' Compensation Laws"					
22		ng out all of sections 1 and 2 (page lines 1 to 39 in L.D.) and inserting				
24	in their place the following:					
26	'Sec. 1. 2 MRSA §6-E, sub-§5, as enacted by PL 1993, c. 145, §1, is repealed and the following enacted in its place:					
28	5 Deputy directors T	he salary of the deputy directors is				
30	within the following salary ra					
32	A. Deputy Director o	f Medical/Rehabilitation Services,				
34	-	usiness Services, Range 85; and				
36		enefits Administration, Range 85.'				
38		in section 3 in subsection 9 in the				
40	13th line from the end (page	e 3, line 15 in L.D.) by inserting				
42	the underlying reconciled info	report" the following: ' <u>, including</u> prmation,'				
44		by striking out all of section 7				
46	(page 4, lines 28 to 49 and inserting in its place the fol	page 5, lines 1 to 16 in L.D.) and lowing:				

Page 1-LR0914(2)

8

10

12

20

22

24

26

28

30

48

2	'Sec. 7. 39-A MRSA $\S306$ , as enacted by PL 1991, c. 885, Pt. A, $\S8$ and affected by $\S\S9$ to 11, is repealed and the following
4	enacted in its place:
б	\$306. Time for filing petitions

- 1. Statute of limitations. Except as provided in this section, a petition brought under this Act is barred unless filed 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 benefits under this Act, with or without prejudice, within the 16 period provided in subsection 1, the period during which an employee or other interested party must file a petition is 6 18 years from the date of the most recent payment.
  - 3. Establishment of injury. If the occurrence of a work-related injury is established by board decree, mediation report or agreement of the parties without the payment of 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.
    - 4. Physical or mental incapacity. If an employee is unable 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.
- 5. Mistake of fact. If an employee fails to file a 32 petition within the limitation period provided in subsection 1 34 because of mistake of fact as to the cause or nature of the injury, the employee may file a petition within a reasonable 36 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 work-related injury, a petition is barred unless filed within one 40 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 42 the date of last payment.'
- 44 Further amend the bill by inserting after section 10 the following: 46
  - '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.

Page 2-LR0914(2)

## COMMITTEE AMENDMENT

2	Sec. 12. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.					
4	1999-00 2000-01					
6						
8	WORKERS' COMPENSATION BOARD					
10	Administration - Workers' Compensation Board					
12	Personal Services \$24,008 \$34,824					
14	Provides funds for the range change of 3 Deputy Director					
16	positions from range 82 to range 85.'					
18	Further amend the bill by relettering or renumbering any					
20	nonconsecutive Part letter or section number to read consecutively.					
22						
24	Further amend the bill by inserting at the end before the summary the following:					
26	FISCAL NOTE					
28	1999-00 2000-01					
30	APPROPRIATIONS/ALLOCATIONS					
32	Other Funds \$24,008 \$34,824					
34	The bill includes Other Special Revenue funds allocations of \$24,008 and \$34,824 in fiscal years 1999-00 and 2000-01,					
36	respectively, for the Workers' Compensation Board to increase the					
38	salaries of 3 deputy director positions. The Governor's proposed "Part 2" budget also includes allocations to provide the salary increases for these positions.					
40						
42	The additional costs associated with assuming jurisdiction over apportionment issues can be absorbed by the board utilizing existing budgeted resources. The Department of Professional and					
44	Financial Regulation will realize some minor administrative savings from this shift in responsibility to the board.					

Page 3-LR0914(2)

16

18

20

22

24

2	Increasing	the fine	for not s	ecuring	workers	' compensation
	coverage may	increase	dedicated	revenue	to t	he Employment
	Rehabilitation can not be dete			_	crease t	that may occur
6	cui not be dete	Imilied at t	ciiis cine.			

8 SUMMARY

10	This amendment plac	es the tit	les of the	current	Workers'
	Compensation Board deput	y directors	in statute	e in add	ition to
12	raising their salary ran	ge to 85, a	as provided	in the b	ill. It
	also deletes a section	of the bil	l relating	to death	benefit
14	payments, since that legislative document.	section is	included	in a	separate

It rewrites the provision relating to the time for filing petitions to clarify current law and makes that clarification applicable to injuries occurring on or after January 1, 1993. The amendment also ensures that certain information supporting the conclusions of an audit will become public along with the final audit report.

The amendment also adds an allocation section and a fiscal note to the bill.

Page 4-LR0914(2)