

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 398

S.P. 135

In Senate, January 30, 2003

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**An Act To Improve Collection of Information about Work-related  
Injuries and To Enhance Injury Prevention Efforts**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator EDMONDS of Cumberland.  
Cosponsored by Representative HATCH of Skowhegan and  
Senators: BRYANT of Oxford, STANLEY of Penobscot, Representatives: DUPLESSIE of  
Westbrook, HUTTON of Bowdoinham, JACKSON of Fort Kent.

**Be it enacted by the People of the State of Maine as follows:**

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3       **Sec. 1. 39-A MRSA §303**, as amended by PL 1999, c. 354, §5, is  
4 further amended to read:

6       **§303. Reports to board**

8       When any employee has reported to an employer under this Act  
9 any injury arising out of and in the course of the employee's  
10 employment that has required the services of a health care  
11 provider or has caused the employee to lose a day's work, or when  
12 the employer has knowledge of any such injury, the employer shall  
13 report the injury to the board within 7 days after the employer  
14 receives notice or has knowledge of the injury. ~~The~~ If the injury  
15 has caused the employee to lose a day's work, the employer shall  
16 also report the average weekly wages or earnings of the employee,  
17 as defined in section 102, subsection 4, together with any other  
18 information required by the board, within 30 days after the  
19 employer receives notice or has knowledge of a claim for  
20 compensation under section 212, 213 or 215, unless a wage  
21 statement has previously been filed with the board. ~~A copy of~~  
22 ~~the wage information must be mailed to the employee.~~ The  
23 employer shall report when the injured employee resumes the  
24 employee's employment and the amount of the employee's wages or  
25 earnings at that time. ~~The employer shall complete a first~~  
26 ~~report of injury form for any injury that has required the~~  
27 ~~services of a health care provider within 7 days after the~~  
28 ~~employer receives notice or has knowledge of the injury. The~~  
29 ~~employer shall provide a copy of the form to the injured employee~~  
30 ~~and retain a copy for the employer's records but is not obligated~~  
31 ~~to submit the form to the board unless the injury later causes~~  
32 ~~the employee to lose a day's work.~~ A copy of the injury report  
33 and of any wage information filed by the employer must be mailed  
34 to the employee. If the employer filed a report for an injury  
35 that required the services of a health care provider but did not  
36 result in lost time, and that same injury later results in lost  
37 time, the employer shall file such additional information as the  
38 board requires, including wage information, within 30 days after  
39 the employer received notice or has knowledge of a claim for  
40 compensation under section 212, 213 or 215. If an employer is  
41 insured, the responsibility to ensure that a timely and accurate  
42 injury report is filed under this section rests with the  
43 insurer. The board shall audit compliance with this section when  
44 it conducts audits of insurers pursuant to section 153,  
45 subsection 9 and section 359. All reports filed under this  
46 section must be filed electronically in accordance with any rules  
47 adopted by the board. Rules adopted under this section are  
48 routine technical rules as defined in Title 5, chapter 375,  
49 subchapter 2-A.

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**Sec. 2. 39-A MRSA §401, sub-§5-A** is enacted to read:

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4 **5-A. Working group on data collection and injury**  
5 **prevention.** The Department of Labor, Bureau of Labor Standards  
6 shall convene a working group beginning not later than October 1,  
7 2003 to evaluate data on work-related injuries and identify ways  
8 to reduce the incidence of such injuries. The bureau shall  
9 include in the group representatives of the board, labor,  
10 employers, occupational health practitioners, safety experts,  
11 insurers and others that the bureau considers useful and  
12 necessary to the group. The group shall review existing data  
13 collection efforts and the structure within State Government for  
14 evaluating and improving injury prevention efforts in the  
15 workplace. The group shall identify ways to improve data  
16 collection, analysis and injury prevention programs in the  
17 State. The bureau shall report the recommendations of the group  
18 by January 1, 2005 and January 1, 2006 to the Governor and to the  
19 joint standing committees of the Legislature having jurisdiction  
20 over labor matters and over insurance matters. Those committees  
21 are authorized to report out legislation in response to the  
22 recommendations to the First Regular Session of the 122nd  
23 Legislature and the Second Regular Session of the 122nd  
24 Legislature. The bureau may continue the group as long as it  
25 considers such a group useful in understanding the causes and  
26 promoting prevention of work-related injuries in the State.

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**Sec. 3. Effective date.** Section 1 of this Act takes effect  
January 1, 2004.

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**SUMMARY**

34 Under current Maine law, an employer is required to report a  
35 work-related injury to the Workers' Compensation Board only if  
36 the injury causes the employee to lose a day's work. To provide  
37 more complete information on the incidence of work-related  
38 injuries, this bill adds a requirement that any injury that  
39 requires medical care also be reported to the board. The bill  
40 places the ultimate responsibility for timely and accurate filing  
41 of first reports of injury on insurers, self-insurers and group  
42 self-insurers.

44 The bill also requires insurers, self-insurers and group  
45 self-insurers to file injury reports electronically. Currently,  
46 at least 1/2 of first injury reports are filed electronically.

48 Finally, the bill requires the Department of Labor, Bureau  
of Labor Standards to convene a working group to develop a plan  
to use information about work-related injuries to identify the

causes of such injuries and find ways to prevent them from  
2 occurring. The working group is directed to review information  
from first injury reports, identify additional information needed  
4 and identify ways to improve injury prevention programs in the  
State.