

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1087

S.P. 369

In Senate, March 19, 2013

**An Act Concerning Workers' Compensation and Short-term  
Disability Insurance in Maine**

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator TUTTLE of York.  
Cosponsored by Senators: GRATWICK of Penobscot, PATRICK of Oxford.

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

2 **Sec. 1. 24-A MRSA §2829-B** is enacted to read:

3 **§2829-B. Short-term disability insurance policies**

4 **1. Preexisting condition exclusion.** As used in this section, "preexisting condition  
5 exclusion," with respect to coverage, means a limitation or exclusion of benefits relating  
6 to a condition based on the fact or perception that the condition was present, or that the  
7 person was at particularized risk of developing the condition, before the date of  
8 enrollment for coverage, whether or not any medical advice, diagnosis, care or treatment  
9 was recommended or received before that date.

10 **2. Limitations.** For any policy or contract subject to this chapter that provides short-  
11 term disability income benefits issued or renewed on or after January 1, 2014, an insurer  
12 may not:

13 A. Refuse to provide coverage to an otherwise eligible member of a group on the  
14 basis of a preexisting condition; or

15 B. Impose a preexisting condition exclusion on coverage for an otherwise eligible  
16 member of a group.

17 **Sec. 2. 39-A MRSA §201, sub-§7** is enacted to read:

18 **7. Cumulative or gradual injuries.** A work-related injury is compensable under  
19 this Title regardless of whether the injury is of a cumulative or gradual nature, including  
20 for example an injury due to repetitive motion.

21 **SUMMARY**

22 This bill provides that an injured worker is eligible for workers' compensation  
23 benefits for a work-related injury regardless of whether the injury is of a cumulative or  
24 gradual nature. The bill also prohibits an insurer that issues group short-term disability  
25 insurance on or after January 1, 2014 from refusing to provide coverage on the basis of a  
26 preexisting condition or from imposing any exclusion of coverage based on a preexisting  
27 condition.