

# MAINE STATE LEGISLATURE

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SM 6  
R. 433

L.D. 1641

Majority

Date: 3/18/14

(Filing No. S- 433)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 632, L.D. 1641, Bill, "An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 39-A MRSA §311, sub-§1, ¶¶E and F, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

E. The taking of unfair advantage of an employee's physical, mental or economic problems or shortcomings; and

F. Interrogations or investigations conducted under such circumstances as to be severely intimidating to the employee; and

Sec. 2. 39-A MRSA §311, sub-§1, ¶G is enacted to read:

G. Continued questioning by an investigator, employer or employer's representative of an employee after that employee requests that a representative of the employee's choice be present during the questioning and that request is denied; this paragraph applies, without limitation, to questions regarding the employee's ability to work and job modifications.'

SUMMARY

This amendment, which is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, replaces the bill with a provision that expands the list of statements that are inadmissible in proceedings under the Maine Workers' Compensation Act of 1992 to include statements obtained after continued questioning of an employee by an investigator, employer or an employer's representative after that employee's request to have a representative of the employee's choice present has been denied.

FISCAL NOTE REQUIRED  
(See Attached)

**COMMITTEE AMENDMENT**



# 126th MAINE LEGISLATURE

LD 1641

LR 2289(02)

**An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation**

**Fiscal Note for Bill as Amended by Committee Amendment 'A' (S-433)**  
**Committee: Labor, Commerce, Research and Economic Development**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Potential current biennium cost increase - All Funds

### Fiscal Detail and Notes

This legislation expands the definition of "duress" under the Workers' Compensation Act of 1992 that determines under what circumstances certain statements made by an injured employee may not be admitted into evidence in workers' compensation proceedings to include the injured employee's answers to questions from an employer or an employer representative when the injured employee has been denied a request to have a representative of the employee's choice present.

The Office of Workers' Compensation within the Bureau of Human Resources, Department of Administrative and Financial Services, indicates that this legislation may result in additional costs to the State's Workers' Compensation Management Fund Program if the provision in this legislation results in situations where, in order to comply with the injured employee's request, the process of coordinating schedules results in a delay in the injured employee receiving medical treatment resulting in an increase in the amount of time that the injured employee remains out of work.