

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)

BMG
R OPS

MAJORITY

1

L.D. 81

2

Date: 5/7/15

(Filing No. S- 79)

3

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

4

Reproduced and distributed under the direction of the Secretary of the Senate.

5

STATE OF MAINE

6

SENATE

7

127TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to S.P. 29, L.D. 81, Bill, "An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation"

10

11

Amend the bill in section 2 by striking out all of paragraph G (page 1, lines 9 to 13 in L.D.) and inserting the following:

12

13

'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, including, but not limited to, a family member, friend or coworker, 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.'

14

15

16

17

18

19

SUMMARY

20

This amendment, which is the majority report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, clarifies that the representative requested by the employee can include a family member, friend or coworker.

21

22

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 81

LR 301(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-79)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

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.