

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 electronic originals
(may include minor formatting differences from printed original)



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 947

S.P. 276

In Senate, February 21, 2019

**An Act To Extend the Notice of Injury Period in the Maine
Workers' Compensation Act of 1992**

Reference to the Committee on Labor and Housing 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 BELLOWS of Kennebec.
Cosponsored by Representative SYLVESTER of Portland and
Senators: President JACKSON of Aroostook, MIRAMANT of Knox, Representatives:
HANDY of Lewiston, PEOPLES of Westbrook, RYKERSON of Kittery.

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

2 **Sec. 1. 39-A MRSA §301**, as amended by PL 2011, c. 647, §16, is further
3 amended to read:

4 **§301. Notice of injury**

5 For claims for which the date of injury is prior to January 1, 2013, proceedings for
6 compensation under this Act, except as provided, may not be maintained unless a notice
7 of the injury is given within 90 days after the date of injury. For claims for which the
8 date of injury is on or after January 1, 2013 and prior to January 1, 2020, proceedings for
9 compensation under this Act, except as provided, may not be maintained unless a notice
10 of the injury is given within 30 days after the date of injury. For claims for which the
11 date of injury is on or after January 1, 2020, proceedings for compensation under this Act,
12 except as provided, may not be maintained unless a notice of the injury is given within
13 180 days after the date of injury. The notice must include the time, place, cause and
14 nature of the injury, together with the name and address of the injured employee. The
15 notice must be given by the injured employee or by a person in the employee's behalf, or,
16 in the event of the employee's death, by the employee's legal representatives, or by a
17 dependent or by a person in behalf of either.

18 The notice must be given to the employer, or to one employer if there are more
19 employers than one; or, if the employer is a corporation, to any official of the
20 corporation; or to any employee designated by the employer as one to whom reports of
21 accidents to employees should be made. It may be given to the general superintendent or
22 to the supervisor in charge of the particular work being done by the employee at the time
23 of the injury. Notice may be given to any doctor, nurse or other emergency medical
24 personnel employed by the employer for the treatment of employee injuries and on duty
25 at the work site. If the employee is self-employed, notice must be given to the insurance
26 carrier or to the insurance carrier's agent or agency with which the employer normally
27 does business.

28 **SUMMARY**

29 Under current law governing workers' compensation, an employee must provide
30 notice of injury to an employer within 30 days after the date of injury. This bill provides
31 that, for claims for which the date of injury is on or after January 1, 2020, an employee
32 must provide to the employer notice of the injury within 180 days after the date of injury.