

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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mining the sum upon which post-judgment interest shall accrue.

3. Limitation. Subsection 1 shall not apply to judgments of less than \$5,000. For those judgments, interest shall accrue only from the date on which the complaint is filed and at a fixed rate of 8% per year.

Sec. 2. 14 MRSA §1602-A is enacted to read:

§1602-A. Interest after judgment

From and after the date of entry on an order of judgment, including the period of the pendency of an appeal, interest shall be allowed at the rate of 15% per year. If the prevailing party at any time requests and obtains a continuance for a period in excess of 30 days, interest shall be suspended for the duration of the continuance. On petition of the nonprevailing party and on a showing of good cause, the trial court may order that interest awarded by this section shall be fully or partially waived.

Sec. 3. Applicability. The interest rate and the date of accrual in this Act shall only apply to actions and awards for which the incident giving rise to the cause of action occurs on or after the effective date of this Act. The version of section 1602 repealed by this Act shall apply to all complaints filed which relate to actions for which the incident giving rise to the cause of action occurred before the effective date of this Act.

Effective September 23, 1983.

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## CHAPTER 428

H.P. 1262 - L.D. 1672

AN ACT to Change the Workers'  
Compensation Law with Respect to  
Asbestosis.

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

Sec. 1. 39 MRSA §194-A, as enacted by PL 1967, c. 374, §8, is repealed.

Sec. 2. 39 MRSA §194-B is enacted to read:

§194-B. Special provisions for asbestos-related diseases

1. Definition. As used in this section, the term "asbestos-related disease" means a disease caused by exposure to asbestos.

2. Scope. This section applies only to asbestos-related diseases caused or contributed to by a last injurious exposure to asbestos which occurred on or after November 30, 1967.

Except as otherwise provided in this section, all provisions of this chapter shall apply to these diseases.

3. Aggravation of condition. Section 185 shall not apply to asbestos-related diseases.

4. Last employer liable; notice. Notwithstanding section 186, the only employer and insurance carrier liable shall be the last employer in whose employment the employee was last injuriously exposed to asbestos, and the insurance carrier, if any, on the risk when the employee was last so exposed under that employer. Notice of incapacity under section 187 shall include the name of that employer and the date when employment with that employer ceased.

5. Disability or death under inadequate prior law. In cases of asbestos-related disease resulting in incapacity or death prior to October 1, 1983, lateness in giving notice or filing a petition shall not be a bar to compensability, as provided in this section, unless the employer can show that his rights were substantially prejudiced by that failure. This subsection is repealed January 1, 1985.

6. Compensation limit. The 3-year limit provided in section 189 shall not apply to asbestos-related diseases.

Nothing in this section shall be construed to require retroactive payments of compensation for periods of incapacity which occurred prior to October 1, 1983, or retroactive payments of death benefits for periods of time prior to October 1, 1983. Compensation for claims permitted under this section shall be payable only for periods of incapacity occurring after October 1, 1983.

7. Further compensation. Notwithstanding section 187, after compensation payments for incapacity or death caused by an asbestos-related disease have been legally discontinued, a claim for further compensation for that disease not due to further exposure to asbestos in that employment shall be

barred if not made within 40 years after the last previous payment.

8. Compensation benefits. Compensation under this section shall be paid as follows.

A. If an employee is determined to be entitled to compensation for periods of total incapacity occurring on or after October 1, 1983, or if a dependent of an employee is determined to be entitled to full death benefits for periods occurring on or after October 1, 1983, and the employee became incapacitated or died on or after November 30, 1967, and before January 1, 1972, then the weekly compensation paid shall be equal to 2/3 of the average weekly wage in the State, as computed by the Bureau of Employment Security, that exists on the date the worker files his claim for compensation. If an employee is determined to be entitled to compensation for periods of partial incapacity occurring on or after October 1, 1983, and the employee became incapacitated on or after November 30, 1967, and before January 1, 1972, then the weekly compensation paid shall be equal to 2/3 the difference, due to the injury, between the average weekly wage in the State, as computed by the Bureau of Employment Security, that exists on the date the worker files his claim for compensation and the weekly wages, earnings or salary which he is able to earn thereafter. If a dependent of an employee is determined to be entitled to partial death benefits for periods occurring on or after October 1, 1983, and the employee died on or after November 30, 1967, and before January 1, 1972, then the weekly compensation paid shall be equal to the same proportion of the weekly payment provided in this paragraph for full death benefits, as the total amount contributed by the employee to such partial dependents for their support during the year prior to incapacity, bears to the employee's earnings during that period.

B. If an employee is determined to be entitled to compensation for periods of total or partial incapacity occurring on or after October 1, 1983, or if a dependent of an employee is determined to be entitled to full or partial death benefits for periods occurring on or after October 1, 1983, and the employee became incapacitated or died on or after January 1, 1972, and before October 1, 1983, then the initial weekly compensation paid shall be equal to the compensation that would have been paid had compensation payments begun at the time the employee became incapacitated or died and that compensation had been adjusted annually as provided in sections 54, 55 and 58, whichever section is applicable. This subsection

shall not be interpreted as providing for any adjustment for inflation in excess of the adjustment provided in sections 54, 55 and 58.

C. If an employee becomes incapacitated or dies on or after October 1, 1983, then compensation shall be payable in the same manner and amounts as provided in sections 54, 55 and 58.

9. Section not applicable. This section shall not apply to an asbestos-related disease of any worker who at the time of the last injurious exposure to asbestos was covered by the Longshoremen's and Harbor Workers' Compensation Act of March 4, 1927, c. 509, United States Code, Title 33, Section 901, or the Federal Employees Compensation Act, United States Code, Title 5, Section 8101. A worker shall be considered to be covered by one of those acts if, at the time of his last injurious exposure to asbestos, he was an employee, as therein defined, and was employed in employment which is subject to either of those acts.

Effective September 23, 1983.

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## CHAPTER 429

H.P. 701 - L.D. 890

AN ACT Relating to Bail Commissioners.

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

Sec. 1. 15 MRSA §942, sub-§1, as amended by PL 1979, c. 663, §103, is further amended to read:

1. Factors in the release decision. Any person charged with an offense, other than an offense punishable by life imprisonment, shall at his appearance before a Judge of the District Court, or bail commissioner, be ordered released pending trial on his personal recognizance or on execution of an unsecured bond which shall be in writing signed by ~~said~~ the person on forms approved by the Chief Judge of the District Court, unless ~~said~~ the judge or bail commissioner determines in the exercise of his discretion that ~~such~~ the release will not reasonably assure the appearance of the person as required. ~~In his determination,~~ said judge or bail commissioner shall, on