

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 270

H.P. 1090 — L.D. 1481

**AN ACT to Clarify Abrogation of
Confidentiality of Communicable
Disease Information for Child and
Adult Protection Purposes.**

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

22 MRSA §1032, as amended by PL 1985, c. 771, §4, is further amended to read:

§1032. Confidentiality

The names and related information which may identify individuals having or suspected of having a notifiable communicable disease shall be confidential and may be released only to other public health officials, agents or agencies, or to school officials where a child is enrolled, for a public health purpose, or to the department for adult or child protection purposes in accordance with chapters 958-A and 1071. In a public health emergency, as declared by the state health officer, the information may also be released to private health care providers and agencies for the purpose of preventing further disease transmission. All other information submitted pursuant to this article may be made available to the public.

Effective September 29, 1987.

CHAPTER 271

H.P. 1096 — L.D. 1487

**AN ACT to Clarify Existing Federal
Compensation and Care as the Primary
Resource to an Injured Service Member
before Seeking Benefits under the
Workers' Compensation Act.**

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

37-B MRSA §186, as enacted by PL 1983, c. 460, §3, is repealed and the following enacted in its place:

§186. Injuries sustained in connection with military duty

1. Compensation as state employee. A member of the state military forces shall receive compensation as a state employee according to the provisions of Title 39 and this section.

A. Duty status is as follows.

(1) The types of duty which are covered are:

(a) Active state duty by order of the Governor under this subchapter;

(b) Inactive duty training, with or without pay, under the United States Code, Title 32, Section 502;

(c) Annual training under the United States Code, Title 32, Sections 502 and 503;

(d) Full-time training duty for 30 days or less under the United States Code, Title 32, Section 502; and

(e) Other training duties or schools under the United States Code, Title 32, with status of less than 30 days' duration;

(2) The types of duty which are not covered are:

(a) Annual training or any other types of duty under the United States Code, Title 10, including Section 672, Subsections (b) and (d);

(b) Initial active duty for training, such as initial active duty service schools;

(c) Full-time training duty for over 30 days under the United States Code, Title 32, Section 502, Subsection (f); and

(d) Federal technician civilian duty under the United States Code, Title 32, Section 709;

B. Types of injuries cognizable are as follows:

(1) The injury, disability or disease must have been received, incurred or contracted as a result of qualified duty;

(2) Service members must be under the control and supervision of the military. Incidents occurring during periods of leave or pass are not compensable; and

(3) An injury, disability or disease received not incident to duty or contracted with willful negligence or misconduct is not compensable;

C. Preconditions for benefits under Title 39 are as follows:

(1) Federal income maintenance benefits must be applied for and, if they exceed comparable Title 39 benefits, must be exhausted by the member before receiving weekly compensation benefits under Title 39. Medical care at military or Veterans' Administration facilities, civilian care paid for by the military forces and other benefits furnished by the military force or the Veterans' Administration, including military schools offered to retrain or occupationally rehabilitate the service member, must be