

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LABOR**

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

## Joint Standing Committee on Labor

**LD 579**      **An Act To Provide Wraparound Medical Coverage in the Workers' Compensation System**      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLER	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish an integrated health insurance program that incorporates health coverage provided by Dirigo Health into the workers' compensation system.

**LD 617**      **An Act To Amend the Maine Workers' Compensation Act of 1992 To Remove Independent Medical Examiners**      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	ONTP	

This bill removes the independent medical examiner system from the Maine Workers' Compensation Act of 1992.

**LD 620**      **An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association**      **PUBLIC 129**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM	S-85

This bill ensures that the Maine Insurance Guaranty Association is responsible for all penalties under the Maine Worker' Compensation Act of 1992 and any rules adopted pursuant to the Maine Worker' Compensation Act of 1992 with the exception of the penalty under the Maine Revised Statutes, Title 39-A, section 359, subsection 2.

### Committee Amendment "A" (S-85)

This amendment specifies that the Maine Insurance Guaranty Association, or "association," must employ Maine licensed adjusters in the handling of claims. The amendment prohibits the imposition of penalties if the association is unable, in the exercise of reasonable diligence, to obtain the records of an insolvent insurer or was prevented from complying with the Maine Workers' Compensation Act of 1992 through no fault of its own. The amendment makes clear that any acts or omissions by the association prior to the effective date of this legislation are not governed by the provisions of this legislation.

### Enacted Law Summary

Public Law 2009, chapter 129 specifies that the Maine Insurance Guaranty Association ("MIGA") must employ Maine licensed adjusters in the handling of claims. It clarifies that MIGA is responsible for penalties under the Maine Workers' Compensation Act of 1992 ("ACT") and any rules adopted pursuant to the ACT with the following exceptions:

# Joint Standing Committee on Labor

1. The penalty under the Maine Revised Statutes, Title 39-A, section 359, subsection 2;
2. If the Workers' Compensation Board finds that MIGA was prevented from complying with the ACT because MIGA was unable in the exercise of reasonable diligence to obtain records of the insolvent insurer; and
3. If the Workers' Compensation Board finds that MIGA was prevented from complying with the ACT because of circumstances beyond its reasonable control.

## LD 621 An Act Allowing Workers' Compensation Benefits for Firefighters Who Contract Cancer

PUBLIC 408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	OTP-AM MAJ ONTP MIN	S-100 S-151 BARTLETT

This bill creates a rebuttable presumption under the Maine Workers' Compensation Act of 1992 that a firefighter who contracts cancer contracted the disease in the course of employment as a firefighter if the firefighter, during the time of that firefighter's employment, received a test for cancer that failed to detect the cancer. This bill makes the last employer for whom the firefighter worked at the time of the last exposure to the risk of cancer and that employer's insurer liable for the cancer.

### Committee Amendment "A" (S-100)

This amendment, which is the majority report of the committee, requires that, to be eligible for workers' compensation benefits, in addition to the presumption established in the bill, the firefighter must have been employed as a firefighter for a minimum of 5 years and have regularly responded to firefighting or emergency calls. The amendment changes the application of the presumption for retired firefighters who contract cancer from within 20 years to within 10 years of last active employment or prior to 70 years of age. The amendment also requires the firefighter to verify that the diagnosed cancer is not prevalent in the firefighter's blood-related family and is not due to exposures to carcinogens outside the firefighter's employment as a firefighter.

### Senate Amendment "B" To Committee Amendment "A" (S-151)

This amendment amends the definition of "firefighter" by striking the reference to "responding to other emergencies" to clarify that the firefighter must have regularly responded to firefighting calls to be eligible for workers' compensation benefits, in addition to the presumption established in Committee Amendment "A."

### Enacted Law Summary

Public Law 2009, chapter 408 creates a rebuttable presumption under the Maine Workers' Compensation Act of 1992 that a firefighter who contracts a covered cancer contracted that cancer in the course of employment as a firefighter. In order to be eligible for the presumption, the firefighter must have been employed as a firefighter for a minimum of 5 years and regularly responded to firefighting calls. In addition, retired firefighters must have contracted cancer within 10 years of active employment or prior to 70 years of age. The firefighter must also verify that the diagnosed cancer is not prevalent in the firefighter's blood-related family and is not due to exposures to carcinogens outside the firefighter's employment as a firefighter. The covered cancers are kidney cancer, non-Hodgkin's lymphoma, colon cancer, leukemia, brain cancer, bladder cancer, multiple myeloma, prostate cancer, testicular cancer and breast cancer.