

Maine Revised Statutes
Title 39-A: WORKERS' COMPENSATION
Chapter 7: PROCEDURES

§306. TIME FOR FILING PETITIONS

1. Statute of limitations. Except as provided in this section, a petition brought under this Act is barred unless filed within 2 years after the date of injury or the date the employee's employer files a required first report of injury if required in section 303, whichever is later.

[2011, c. 647, §18 (AMD) .]

2. Payment of benefits. If an employer or insurer pays benefits under this Act, with or without prejudice, within the period provided in subsection 1, the period during which an employee or other interested party must file a petition is 6 years from the date of the most recent payment.

A. The provision of medical care for an injury or illness by or under the supervision of a health care provider employed by, or under contract with, the employer is a payment of benefits with respect to that injury or illness if:

(1) Care was provided for that injury or illness on 6 or more occasions in the 12-month period after the initial treatment; and

(2) The employer or the health care provider knew or should have known that the injury or illness was work-related.

For the purposes of this paragraph, "health care provider" has the same meaning as provided in rules of the board. [2001, c. 435, §1 (NEW); 2001, c. 435, §2 (AFF) .]

[2001, c. 435, §1 (AMD); 2001, c. 435, §2 (AFF) .]

3. Establishment of injury. If the occurrence of a work-related injury is established by board decree, mediation report or agreement of the parties without the payment of benefits as provided in subsection 2, the period during which an employee or other interested party may file a petition is 6 years from the date of that decree, report or agreement.

[1999, c. 354, §6 (NEW); 1999, c. 354, §10 (AFF) .]

4. Physical or mental incapacity. If an employee is unable to file a petition because of physical or mental incapacity, the period of that incapacity is not included in the limitation period provided in subsection 1.

[1999, c. 354, §6 (NEW); 1999, c. 354, §10 (AFF) .]

5. Mistake of fact. If an employee fails to file a petition within the limitation period provided in subsection 1 because of mistake of fact as to the cause or nature of the injury, the employee may file a petition within a reasonable time, subject to the 6-year limitation provided in subsection 2.

[1999, c. 354, §6 (NEW); 1999, c. 354, §10 (AFF) .]

6. Death of employee. If an employee dies as a result of a work-related injury, a petition is barred unless filed within one year after the death or 2 years from the date of injury, whichever is later, but in any event not later than 6 years from the date of last payment.

[1999, c. 354, §6 (NEW); 1999, c. 354, §10 (AFF) .]

SECTION HISTORY

1991, c. 885, §A8 (NEW). 1991, c. 885, §§A9-11 (AFF). 1999, c. 354, §10 (AFF). 1999, c. 354, §6 (RPR). 2001, c. 435, §1 (AMD). 2001, c. 435, §2 (AFF). 2011, c. 647, §18 (AMD).

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