**An Act Regarding the Waiting Period for Compensation for Incapacity To Work under the Maine Workers' Compensation Act of 1992**

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

**Sec.** **1. 39-A MRSA §204,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is repealed and the following enacted in its place:

**§****204.** **Waiting period; when compensation payable**

**1.** **Definitions.**  As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Corrections employee" means an employee of the State or a county whose place of employment is a correctional facility as defined in Title 34-A, section 1001, subsection 6 or an employee of a county or municipality whose place of employment is a county or municipal detention facility as that term is used in Title 34-A, section 1208 or 1208-A.

B. "Employee of a state mental health institute" means an employee of a program or service under Title 22-A, section 203, subsection 1, paragraph B or C who works at a state mental health institute under Title 22-A, section 208 and who is incapacitated because of an infectious disease or as the result of an assault by a resident of the institute.

C. "Firefighter" means a member of a municipal fire department or volunteer fire association whose duties include the extinguishment of fires or an investigator or sergeant in the Office of the State Fire Marshal.

D. "Infectious disease" means a disease resulting from the presence and activity of a pathogenic microbial agent, including bacteria, viruses, fungi and parasites.

**2.** **When compensation payable.**  Compensation for incapacity to work is not payable for the first 7 days of incapacity, except that firefighters, corrections employees and employees of a state mental health institute must receive compensation from the date of incapacity. In case incapacity to work continues for more than 14 days, compensation is allowed from the date of incapacity.

**SUMMARY**

This bill amends the Maine Workers' Compensation Act of 1992 by allowing an employee of the State or a county whose place of employment is a correctional facility and an employee of a county or municipality whose place of employment is a county or municipal detention facility to receive compensation from the date of incapacity. It also allows certain employees of a state mental health institute incapacitated because of an infectious disease or an assault by a resident of the institute to receive compensation from the date of incapacity.