



130th MAINE LEGISLATURE

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Legislative Document

No. 1430

H.P. 1046

House of Representatives, April 12, 2021

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

Received by the Clerk of the House on April 8, 2021. Referred to the Committee on Labor and Housing pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRYANT of Windham.
Cosponsored by Senator MIRAMANT of Knox and
Representatives: COLLINGS of Portland, CUDDY of Winterport, SYLVESTER of Portland.

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

2 **Sec. 1. 39-A MRSA §204**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by
3 §§9 to 11, is repealed and the following enacted in its place:

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

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

7 A. "Corrections employee" means an employee of the State or a county whose place
8 of employment is a correctional facility as defined in Title 34-A, section 1001,
9 subsection 6 or an employee of a county or municipality whose place of employment
10 is a county or municipal detention facility as that term is used in Title 34-A, section
11 1208 or 1208-A.

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

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

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

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

27 **SUMMARY**

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