

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1023

H.P. 746

House of Representatives, February 13, 1997

**An Act to Clarify the Definition of Total Incapacity for the Purpose of
Workers' Compensation.**

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: CLARK of Millinocket, LEMAIRE of Lewiston, RINES of Wiscasset,
STANLEY of Medway.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 39-A MRSA §212, sub-§1**, as enacted by PL 1991, c. 885,
Pt. A, §8 and affected by §§9 to 11, is amended to read:

6 **1. Total incapacity.** While the incapacity for work
7 resulting from the injury is total, the employer shall pay the
8 injured employee a weekly compensation equal to 80% of the
9 employee's after-tax average weekly wage, but not more than the
10 maximum benefit under section 211. Compensation must be paid for
11 the duration of the incapacity.

12
13 Any employee who is not able to perform full-time remunerative
14 work in the ordinary competitive labor market ~~in the State,~~
15 ~~regardless of the availability of such work~~ in and around that
16 employee's community, is ~~not~~ eligible for compensation under this
17 section, ~~but may be eligible for compensation under section 213~~
18 regardless of the availability of such work in the State.
19 Employees not eligible for compensation under this section may be
20 eligible for compensation under section 213.

22
23 **SUMMARY**

24
25 This bill amends the provisions in current law for providing
26 total compensation for workplace injuries to clarify that
27 employees who lack the ability to work on a full-time basis in
28 the ordinary competitive labor market in their communities are
29 entitled to be paid benefits for total incapacity under the Maine
30 Revised Statutes, Title 39-A, section 212.