

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 311

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H. P. 229

House of Representatives, January 21, 1971

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. McTeague of Brunswick.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Compensation Under Workmen's Compensation Law  
for Total Incapacity, Partial Incapacity and Death.**

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

**Sec. 1. R. S., T. 39, § 54, amended.** The first sentence of section 54 of Title 39 of the Revised Statutes, as repealed and replaced by section 3 of chapter 408 and as amended by section 5 of chapter 489, both of the public laws of 1965, is further amended to read as follows:

While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to  $\frac{2}{3}$  his average weekly wages, earnings or salary, but not more than  $\frac{2}{3}$  of the average weekly wage in the State of Maine as computed by the Employment Security Commission, nor less than \$18 weekly; and such weekly compensation shall be increased accordingly whenever the average weekly wage in the State of Maine as computed by the Employment Security Commission increases.

**Sec. 2. R. S., T. 39, § 54, amended.** The 3rd sentence of section 54 of Title 39 of the Revised Statutes, as repealed and replaced by section 3 of chapter 408 and as amended by section 5 of chapter 489, both of the public laws of 1965, is further amended to read as follows:

In the event of such permanent total incapacity, the employer shall pay the employee a weekly compensation equal to  $\frac{2}{3}$  his average weekly wage, earnings or salary but not more than  $\frac{2}{3}$  of the average weekly wage in the State of Maine as computed by the Employment Security Commission, nor less than \$18 weekly; and such weekly compensation shall be increased ac-

cordingly whenever the average weekly wage in the State of Maine as computed by the Employment Security Commission increases.

Sec. 3. R. S., T. 39, § 55, amended. Section 55 of Title 39 of the Revised Statutes, as amended by section 4 of chapter 408 of the public laws of 1965, is further amended to read as follows:

§ 55. Compensation for partial incapacity

While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to  $\frac{2}{3}$  the difference, due to said injury, between his average weekly wages, earnings or salary before the accident and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than  $\frac{2}{3}$  of the average weekly wage in the State of Maine as computed by the Employment Security Commission; and such weekly compensation shall be increased accordingly whenever the average weekly wage in the State of Maine as computed by the Employment Security Commission increases; and in no case shall the period covered by such compensation be greater than 300 weeks from the date of the accident except for vocational rehabilitation services provided under sections 52 and 54.

Sec. 4. R. S., T. 39, § 58, amended. The first paragraph of section 58 of Title 39 of the Revised Statutes, as repealed and replaced by section 6 of chapter 408 and as amended by section 7 of chapter 489, both of the public laws of 1965, is further amended to read as follows:

If death results from the injury, the employer shall pay the dependents of the employee, dependent upon his earnings for support at the time of his accident, a weekly payment equal to  $\frac{2}{3}$  his average weekly wages, earnings or salary, but not more than  $\frac{2}{3}$  of the average weekly wage in the State of Maine as computed by the Employment Security Commission, nor less than \$18 weekly, from the date of death, until such time as provided for in the following paragraph. Such payments shall be increased accordingly whenever the average weekly wage in the State of Maine as computed by the Employment Security Commission increases.

#### STATEMENT OF FACT

The purpose of this bill is to permit increases in certain Workmen Compensation benefits whenever the average weekly wage in the state increases.