

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1607

H. P. 1161

House of Representatives, March 17, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Expanding the Coverage of the Workmen's Compensation Law.

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

R. S., T. 39, § 56, amended. Section 56 of Title 39 of the Revised Statutes, as amended, is further amended by adding at the end the following new paragraph to read as follows:

In the case of any injury or occupational disease where any part of the body or any bodily function is disabled, impaired or incapacitated and such injury or disease is not otherwise specified in this section, the employee shall be entitled to compensation based on the percentage of his total physical disability, impairment or incapacity. The employee shall receive an amount equal to $\frac{2}{3}$ of his average weekly wage, earnings or salary, but not to exceed $\frac{2}{3}$ of the average weekly wage, earnings or salary in the State of Maine as computed by the Employment Security Commission, for the number of weeks which equals such percentage of 500 weeks. The commission upon petition by either party shall determine the percentage of disability, impairment or incapacity resulting from the injury or disease as evidenced by reasonably demonstrable medical or clinical findings.

STATEMENT OF FACT

This bill is designed to fill a need in the Workmen's Compensation Act. Presently an employee suffering an on the job injury is not entitled to compensation unless it is one of several specifically enumerated, or it results in

temporary or permanent inability to work or loss of earnings. Thus, one may suffer a permanent impairment to a part of his body, such as a 30% loss of movement in the back, yet if one is technically able to work, he is ineligible for any compensation. This bill would correct this injustice. One who has suffered a permanent injury to his back, jaw or other part of the body presently not mentioned in the law, would not be eligible to receive an equitable payment for such loss much as one receives compensation for a 30% loss of the functioning of a hand.

The percentage of incapacity would be calculated as it related to the "whole man". For example, a 50% impairment of the back may be medically translated into a 10% impairment of the man as a whole. An award would then be made equal to 10% of the scheduled compensation (500 weeks) multiplied by $\frac{2}{3}$ of the injured employee's average weekly wage.