

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 814

H. P. 616

House of Representatives, February 12, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Dunleavy of Presque Isle.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Extending the Period of Entitlement to Compensation for Partial  
Incapacity under the Workmen's Compensation Law in Certain Cases.**

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

**R. S., T. 39, § 55, amended.** Section 55 of Title 39 of the Revised Statutes, as last repealed and replaced by section 140 of chapter 622 of the public laws of 1971, is amended to read as follows: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 adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury; and in no case, **except as hereinafter provided**, shall the period covered by such compensation be greater than 325 weeks from the date of the accident except for vocational rehabilitation services provided under sections 52 and 54, **and except that the commissioner may, by decree, on the oral motion of the claimant or his attorney suspend the operation of the limitation as to weeks of entitlement if the commissioner finds that the claimant's work incapacity is 50% or more.**

## STATEMENT OF FACT

Some injured employees, while not totally incapacitated, are so incapacitated by job accidents that their opportunity for further gainful employment is severely restricted. This measure would remove the inequity of limiting compensation entitlement in these cases.