

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 816

H. P. 618

House of Representatives, February 12, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Binnette of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Increase Benefits and Reduce the Waiting Period Under
Workmen's Compensation.**

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

Sec. 1. R. S., T. 39, § 53, amended. The first sentence of section 53 of Title 39 of the Revised Statutes, as last repealed and replaced by section 80 of chapter 513 of the public laws of 1965, is amended to read as follows:

No compensation for incapacity to work shall be payable for the first ~~7~~ **3** days of incapacity, except that firemen shall receive compensation from the date of incapacity.

Sec. 2. R. S., T. 39, § 54, amended. The first and 3rd sentences of section 54 of Title 39 of the Revised Statutes, as amended by sections 1 and 2 of chapter 225 of the public laws of 1971, are 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 ~~$\frac{2}{3}$~~ $\frac{2}{3}$ 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 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.

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 ~~$\frac{2}{3}$~~ $\frac{2}{3}$ 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 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.

Sec. 3. 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 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.

Sec. 4. R. S., T. 39, § 58, amended. The first sentence 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.

STATEMENT OF FACT

The purpose of this bill is to increase the maximum benefit under Workmen's Compensation to the average weekly wage of the State of Maine. The bill also reduces the waiting period from 7 to 3 days.