

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1287

S. P. 427

In Senate, March 8, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Tanous of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT to Reform the Methods of Computing Benefit Payments under
Workmen's Compensation Act.**

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

Sec. 1. R. S., T. 39, § 54, amended. The first paragraph of section 54 of Title 39 of the Revised Statutes, as amended, 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 **gross** 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~~ **\$25** 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 following cases it shall, for the purposes of this Act, be conclusively presumed that the injury resulted in permanent total incapacity; the total and irrevocable loss of sight of both eyes, the loss of both hands at or above the wrist, the loss of both feet at or above the ankle, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the arms or legs or an injury to the skull resulting in incurable imbecility or insanity. In the event of such permanent total incapacity, the employer shall pay the employee a weekly compensation equal to $\frac{2}{3}$ his average **gross** 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~~ **\$25**

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 to determine the average~~ weekly wage in the State of Maine as computed by the Employment Security Commission, ~~as it did at the time of the inquiry and the weekly compensation shall be adjusted to reflect any differences.~~ If the said totally incapacitated employee dies, as a result of this injury, leaving dependents who were dependent upon his earnings at the time of his accident, then payment shall be made to said dependents in accordance with the procedures established by section 58.

Sec. 2. 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 gross 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 to determine the average~~ weekly wage in the State of Maine as computed by the Employment Security Commission, ~~as it did at the time of the inquiry and the weekly compensation shall be adjusted to reflect any differences;~~ 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. 3. 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 of the public laws of 1965 and as amended, 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 gross 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~~ \$25 weekly, from the date of death, until such time as provided for in the following paragraph. Such weekly compensation shall be adjusted annually on July 1st ~~so that it continues to bear the same percentage relationship to the average to determine the average~~ weekly wage in the State of Maine as computed by the Employment Security Commission, ~~as it did at the time of the inquiry and the weekly compensation shall be adjusted to reflect any differences.~~

STATEMENT OF FACT

The purpose of this bill is to change the method of computing benefits for an injured worker.