

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND EIGHTH LEGISLATURE

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## Legislative Document

No. 958

H. P. 765

House of Representatives, March 10, 1977

On motion of Mr. Bustin of Augusta, referred to Committee on Labor.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Gray of Rockland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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### AN ACT to Establish a Maximum Yearly Adjustment to Workmen's Compensation Benefits.

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

**Sec. 1.** 39 MRSA § 54, 1st and 3rd sentences, as last amended by PL 1975, c. 493, § 1, are further amended to read:

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 the average weekly wage in the State of Maine as computed by the Employment Security Commission;  $133\frac{1}{3}\%$  of such average weekly wage as of July 1, 1977;  $166\frac{2}{3}\%$  of such average weekly wage as of July 1, 1979; and 200% of such average weekly wage as of July 1, 1981; nor less than \$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, such adjustment shall in no event exceed 4% per year.

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 the average weekly wage in the State of Maine as computed by the Employment Security Commission;  $133\frac{1}{3}\%$  of such average weekly wage as of July 1, 1977;  $166\frac{2}{3}\%$  of such average weekly wage as of July 1, 1979; and 200% of such average weekly wage as of July 1, 1981; nor less than \$25 weekly; and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage rela-

tionship 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, such adjustment shall in no event exceed 4% per year.

**Sec. 2. 39 MRSA § 55**, as last amended by PL 1975, c. 493, § 2, is further amended to read:

**§ 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 injury and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than the average weekly wage in the State of Maine as computed by the Employment Security Commission; 133 $\frac{1}{3}$ % of such average weekly wage as of July 1, 1977; 166 $\frac{2}{3}$ % of such average weekly wage as of July 1, 1979; and 200% of such average weekly wage as of July 1, 1981 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. 39 MRSA § 58**, 2nd sentence, as enacted by PL 1971, c. 225, § 4, is amended to read:

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, such adjustment shall in no event exceed 4% per year.

**STATEMENT OF FACT**

This bill establishes a maximum yearly adjustment to the workmen's compensation benefits.