

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 951

S. P. 321

In Senate, March 5, 1979

Referred to the Committee on Labor. Sent down for concurrence and ordered printed. Presented by Senator Pray of Penobscot.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT Amending the Permanent Impairment Provisions under the Workers' Compensation Act.**

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

**Sec. 1. 39 MRSA § 56**, as last amended by PL 1975, c. 480, § 7, is further amended to read:

**§ 56. Compensation for particular injuries; permanent impairment**

In addition to the benefits provided for in sections 54 and 55, when an employee sustains an injury which is included in the following schedule, the incapacity in each case shall be deemed to be total for the period specified and the injured employee shall receive a lump sum payment for said injury which shall be determined by multiplying the amount to which he would be entitled weekly for total incapacity as determined under section 54, by the period of presumed total incapacity ~~hereinafter~~ set forth **in this section**. The specific periods of presumed total incapacity because of injuries ~~hereinafter~~ specified **in this section** shall be as follows:

For the loss of a thumb, ~~50~~ **75** weeks.

For the loss of the first finger, commonly called the index finger, ~~32~~ **48** weeks.

For the loss of the 2nd finger, commonly called the middle finger, ~~28~~ **42** weeks.

For the loss of the 3rd finger, commonly called the ring finger, ~~20~~ **30** weeks.

For the loss of the 4th finger, commonly called the little finger, ~~17~~ **25½** weeks.

The loss of the distal (second) phalanx of the thumb or the distal (third) phalanx of any finger shall be considered to be equal to the loss of ½ of said thumb or finger, and the compensation therefor shall be ½ the amount above specified. The loss of more than one phalanx shall be considered as the loss of the entire thumb or finger. In no case shall the amount received for the loss of a thumb and more than one finger of the same hand exceed the amount specified in this schedule for the loss of a hand.

For the loss of the great toe, ~~25~~ **37½** weeks.

For the loss of one of the toes other than the great toe, ~~10~~ **15** weeks.

For the loss of the distal (second) phalanx of the great toe or of the distal (third) phalanx of any other toe shall be considered to be equal to the loss of ½ of said great toe or any other toe, and the compensation therefor shall be ½ the amount above specified. The loss of more than one phalanx shall be considered as the loss of the entire toe.

For the loss of a hand, ~~165~~ **247½** weeks.

For the loss of an arm, or any part thereof above the wrist, ~~200~~ **300** weeks.

For the loss of a foot, ~~165~~ **247½** weeks.

For the loss of a leg, or any part thereof above the ankle, ~~200~~ **300** weeks.

For the loss of an eye, or the reduction of the sight of an eye with glasses, to 1/10 of the normal vision, or for diplopia, ~~100~~ **150** weeks.

For the loss of both eyes, or the reduction of the sight of both eyes, with glasses, to 1/10 of the normal vision, or for diplopia, ~~300~~ **450** weeks.

For the total and permanent loss of hearing in one ear, ~~50~~ **75** weeks.

For the total and permanent loss of hearing in both ears, ~~200~~ **300** weeks.

In all other cases of injury to the above-mentioned members, eyes or hearing where the usefulness of any physical function thereof is permanently impaired, the specific compensable periods for presumed total incapacity on account thereof shall bear such relation to the periods above specified as the percentage of permanent impairment due to the injury of such members, eyes or hearing shall bear to the total loss thereof. The commission upon petition therefor by either party shall determine such percentage. A petition for determination of the percentage of permanent hearing impairment due to an injury shall be filed with the commission within 2 years from the date of the injury.

The commission may award proper and equitable compensation for serious facial or head disfigurement not to exceed \$7,500, including a disfigurement continuous in length which is partially in the facial area and also extends into the

neck region. The commission, if in its opinion the earning capacity of an employee has been or may in the future be impaired, may award compensation for any serious disfigurement in the region above the sterno clavicular articulations anterior to and including the region of the sterno cleido mastoid muscles on either side, but no award for the total disfigurement as set forth shall, in the aggregate, exceed \$7,500. Notwithstanding any other provision hereof, 2 or more serious disfigurements, not continuous in length, resulting from the same injury, if partially in the facial area and partially in the next region as described in the preceding sentence, shall be deemed to be a facial disfigurement. **An award of benefits for serious facial or head disfigurement is without prejudice to an employee's right to receive permanent impairment under any other provision of this Act.**

**Sec. 2. 39 MRSA § 56-A, 2nd paragraph**, as amended by PL 1973, c. 392, § 2, is further amended to read:

Total loss of function of

Neck: ~~100~~ **150** weeks

Back: ~~200~~ **300** weeks

Jaw: ~~40~~ **60** weeks

Genito-urinary organs: ~~100~~ **150** weeks

**Cardiovascular system: 300 weeks**

**Pulmonary system: 300 weeks**

#### STATEMENT OF FACT

This bill increases by 50% the benefits for permanent impairment involved in particular injuries. It also provides that benefits for serious facial or head disfigurements shall not exclude an employee from claiming benefits under other provisions of the Workers' Compensation Act.