

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1021

H. P. 820

House of Representatives, March 5, 1979

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

EDWIN H. PERT, Clerk

Presented by Mr. D. Dutremble of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Provide Inflation Protection for Partially Disabled Employees.

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

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, **adjusted for annual inflation in the state average weekly wage**, 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.

STATEMENT OF FACT

This bill is intended to eliminate an apparent oversight in the system of protecting employees from inflation in the state average weekly wage, first implemented in 1972. It recognizes that jobs obtained by partially-incapacitated workers several years after their injuries may not accurately indicate the loss in wage-earning capacity of the worker, due to inflation in the general economy. The Workers' Compensation Commission has suggested that this view may already be required under existing law. *Burns v. Fraser Paper, Ltd.*, (1/16/78) unpublished opinion by Commissioner James M. Coyne.