

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 613

S. P. 225

In Senate, February 4, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator Brown of Washington.

Cosponsors: Senator Sutton of Oxford and Representative Tuttle of Sanford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Stabilize the Maximum Weekly Benefits under the Workers' Compensation Act.

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

Sec. 1. 39 MRSA § 54, first ¶, as last amended by PL 1975, c. 493, § 1, is 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 $166\frac{2}{3}\%$ of 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. 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 ~~166 $\frac{2}{3}$ % of 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 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. 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 injury, then payments shall be made to ~~said~~ the dependents in accordance with the procedures established by section 58.

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~~ the 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 ~~166 $\frac{2}{3}$ % of 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, first ¶, as last amended by PL 1975, c. 770, § 217, is further amended to read:

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 injury, a weekly payment equal to $\frac{2}{3}$ his average gross weekly wages, earnings or salary, but not more than ~~166 $\frac{2}{3}$ % of 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; 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 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 incorporates one of the recommendations of the Blaine House Conference on Small Business.

The maximum weekly worker's compensation benefit in Maine is presently 166 2/3% of the state's average weekly wage. At this level, Maine's maximum exceeds the maximum payable in all but 3 other states. Maine's maximum, moreover, is scheduled to increase to 200% later this year.