

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 834

H. P. 709

House of Representatives, February 12, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.

Cosponsors: Representative Dexter of Kingfield, Senator Usher of Cumberland.

STATE OF MAINE

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

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

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

Sec. 1. 39 MRSA § 54, first ¶, first and 3rd sentences, as 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 $166\frac{2}{3}\%$ 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 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 1/3%~~ of such average weekly wage as of July 1, 1977; ~~166 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.

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 2/3 the difference, due to said that 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 2/3%~~ of the average weekly wage in the State of Maine as computed by the Employment Security Commission; ~~133 1/3%~~ of such average weekly wage as of July 1, 1977; ~~166 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 ¶, first sentence, as repealed and replaced by PL 1975, c. 770, § 217, is 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 2/3 his average gross weekly wages, earnings or salary, but not more than ~~166 2/3%~~ of the average weekly wage in the State of Maine as computed by the Employment Security Commission; ~~133 1/3%~~ of such average weekly wage as of July 1, 1977; ~~166 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.

STATEMENT OF FACT

This bill incorporates one of the recommendations of the Blaine House Conference on Small Business.

The maximum weekly workers' 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.

The purpose of this bill is to freeze the maximum at its present level of 166 2/3%.