

# MAINE STATE LEGISLATURE

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STATE OF MAINE (Filing No. S-287)  
SENATE  
110TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT " A" to S.P. 358, L.D. 1033, Bill,  
"AN ACT to Revise Workers' Compensation Disability Payments."

Amend the Bill by striking out everything after the  
enacting clause and inserting in its place the following:

'Sec. 1. 39 MRSA §54, first sentence, as 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 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 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;  
provided that no adjustment in any one year may exceed 5%.

Sec. 2. 39 MRSA §54, 3rd sentence, as amended by PL 1975,  
c. 493, §1, is further amended to read:

In the event of such permanent total incapacity, the employer shall  
pay the employee a weekly compensation equal to 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 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; provided that no adjustment in any one year may exceed 5%.

Sec. 3. 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 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 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

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Employment Security Commission, as it did at the time of the injury; provided that no adjustment in any one year may exceed 5%.

Sec. 4. 39 MRSA §55-A is enacted to read:

§55-A. Social security benefit

When the injured employee reaches age 62, wage loss benefits payable pursuant to section 54 or 55 shall be reduced by the total amount of social security retirement benefits which the employee is receiving, such reduction not to exceed 50% of the wage loss benefits.

Sec. 5. 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; provided that no adjustment in any one year may exceed 5%.'

Statement of Fact

This amendment places a 5% cap on annual inflation adjustment and provides for an offset for social security retirement benefits in order to avoid excessive duplication of benefits.

(Sen. Sewall)

NAME: *Charlotte J. Sewall*

COUNTY: Lincoln

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