

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 537

6
7 H.P. 444

House of Representatives, February 2, 1983

8 Received by the Clerk of the House on February 2, 1983. Referred to the
9 Committee on Labor, and ordered printed pursuant to Joint Rule 14.

10 EDWIN H. PERT, Clerk

Presented by Representative Tuttle of Sanford.

Cosponsors: Representative Ridley of Shapleigh, Representative Swazey
11 of Bucksport and Representative Zirnkilton of Mount Desert.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Concerning Workers' Compensation
18 Cost Containment.
19

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

22 Sec. 1. 39 MRSA §54, first ¶, as amended by PL
23 1981, c. 483, §1, is further amended to read:

24 While the incapacity for work resulting from the
25 injury is total, the employer shall pay the injured
26 employee a weekly compensation equal to 2/3 his aver-
27 age gross weekly wages, earnings or salary, but not
28 more than 166 2/3% of the average weekly wage in the
29 State as computed by the Employment Security Commis-
30 sion; nor less than \$25 weekly; and such weekly com-
31 pensation shall be adjusted annually on July 1st so
32 that it continues to bear the same percentage rela-
33 tionship to the average weekly wage in the State as
34 computed by the Employment Security Commission, as it

1 did at the time of the injury. In the following cases
2 it shall, for the purposes of this Act, be conclu-
3 sively presumed that the injury resulted in permanent
4 total incapacity; the total and irrevocable loss of
5 sight of both eyes, the loss of both hands at or
6 above the wrist, the loss of both feet at or above
7 the ankle, the loss of one hand and one foot, an
8 injury to the spine resulting in permanent and com-
9 plete paralysis of the arms or legs or an injury to
10 the skull resulting in incurable imbecility or insan-
11 ity. In the event of such permanent total incapacity,
12 the employer shall pay the employee a weekly compen-
13 sation equal to $\frac{2}{3}$ his average gross weekly wage,
14 earnings or salary, but not more than $166\frac{2}{3}\%$ of the
15 average weekly wage in the State as computed by the
16 Employment Security Commission; nor less than \$25
17 weekly; and such weekly compensation shall be adjust-
18 ed annually on July 1st so that it continues to bear
19 the same percentage relationship to the average
20 weekly wage in the State as computed by the Employ-
21 ment Security Commission, as it did at the time of
22 the injury. The maximum annual adjustment required
23 under this section is 5%. If the totally incapaci-
24 tated employee dies, as a result of this injury,
25 leaving dependents who were dependent upon his earn-
26 ings at the time of his injury, then payments shall
27 be made to the dependents in accordance with the
28 procedures established by section 58.

29 Sec. 2. 39 MRSA §55, as amended by PL 1981, c.
30 483, §2, is further amended to read:

31 §55. Compensation for partial incapacity

32 While the incapacity for work resulting from the
33 injury is partial, the employer shall pay the injured
34 employee a weekly compensation equal to $\frac{2}{3}$ the dif-
35 ference, due to the injury, between his average gross
36 weekly wages, earnings or salary before the injury
37 and the weekly wages, earnings or salary which he is
38 able to earn thereafter, but not more than $166\frac{2}{3}\%$
39 of the average weekly wage in the State as computed
40 by the Employment Security Commission; and such
41 weekly compensation shall be adjusted annually on
42 July 1st so that it continues to bear the same per-
43 centage relationship to the average weekly wage in
44 the State as computed by the Employment Security Com-

1 mission, as it did at the time of the injury. The
2 maximum annual adjustment required under this section
3 is 5%.

4 Sec. 3. 39 MRSA §58, first ¶, as amended by PL
5 1981, c. 483, §3, is further amended to read:

6 If death results from the injury, the employer
7 shall pay the dependents of the employee, dependent
8 upon his earnings for support at the time of his
9 injury, a weekly payment equal to 2/3 his average
10 gross weekly wages, earnings or salary, but not more
11 than 166 2/3% of the average weekly wage in the State
12 as computed by the Employment Security Commission;
13 nor less than \$25 weekly; from the date of death,
14 until such time as provided for in the following
15 paragraph. Such weekly compensation shall be adjusted
16 annually on July 1st so that it continues to bear the
17 same percentage relationship to the average weekly
18 wage in the State as computed by the Employment
19 Security Commission, as it did at the time of the
20 injury. The maximum annual adjustment required under
21 this section is 5%.

22 STATEMENT OF FACT

23 This bill places a 5% cap on all annual benefit
24 adjustments under the workers' compensation law.

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