

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1096

6
7 H.P. 846

House of Representatives, March 7, 1983

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

10 EDWIN H. PERT, Clerk

11 Presented by Representative Beaulieu of Portland.

12 STATE OF MAINE
13

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

17 AN ACT Regarding Benefits under the
18 Workers' Compensation Law.
19

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

22 39 MRSA §54, first ¶, as amended by PL 1981, c.
23 483, §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 2/3 of the average
31 weekly wage in the State; and such weekly compensa-
32 tion shall be adjusted annually on July 1st so that
33 it continues to bear the same percentage relationship
34 to the average weekly wage in the State as computed
35 by the Employment Security Commission, as it did at
36 the time of the injury. In the following cases it

1 shall, for the purposes of this Act, be conclusively
2 presumed that the injury resulted in permanent total
3 incapacity; the total and irrevocable loss of sight
4 of both eyes, the loss of both hands at or above the
5 wrist, the loss of both feet at or above the ankle,
6 the loss of one hand and one foot, an injury to the
7 spine resulting in permanent and complete paralysis
8 of the arms or legs or an injury to the skull result-
9 ing in incurable imbecility or insanity. In the event
10 of such permanent total incapacity, the employer
11 shall pay the employee a weekly compensation equal to
12 $\frac{2}{3}$ his average gross weekly wage, earnings or
13 salary, but not more than $166\frac{2}{3}\%$ of the average
14 weekly wage in the State as computed by the Employ-
15 ment Security Commission; nor less than \$25 weekly
16 $\frac{2}{3}$ of the average weekly wage in the State; and such
17 weekly compensation shall be adjusted annually on
18 July 1st so that it continues to bear the same per-
19 centage relationship to the average weekly wage in
20 the State as computed by the Employment Security Com-
21 mission, as it did at the time of the injury. If the
22 totally incapacitated employee dies, as a result of
23 this injury, leaving dependents who were dependent
24 upon his earnings at the time of his injury, then
25 payments shall be made to the dependents in accor-
26 dance with the procedures established by section 58.

27 STATEMENT OF FACT

28 The purpose of this bill is to improve and make
29 more equitable benefits under the workers' compensa-
30 tion law.

31 Many low-wage employees or part-time workers
32 experience periods of unemployment or of working on a
33 part-time basis because full-time work is not avail-
34 able, or they are homemakers working part time to
35 supplement the family income, or they are students
36 who are working part time to earn educational costs.
37 In regard to all these classes of workers, $\frac{2}{3}$ of the
38 average weekly wage, particularly where there is a
39 serious disabling injury, does not take into account
40 the fact that the worker, temporarily unemployed from
41 his regular job and injured while on a part-time job,
42 may lose for a lifetime the ability to engage in
43 full-time employment and full-time wage earnings. It

1 does not take into consideration the inability of the
2 homemaker to engage in home services, not the inability
3 of the disabled student to engage in employment
4 during the balance of his life.

5 For example, a worker in any of the above categories
6 in part-time employment might be working only 15
7 hours a week at \$4 an hour for an "average weekly
8 wage" of \$60 a week and receive benefits of only \$40
9 each week. The loss should consider the likely ratio
10 of lost earning capacity on a full-time basis, not a
11 part-time basis, because most employees working part
12 time are doing so because they are student or
13 homemakers or because of the temporary unavailability
14 of full-time employment. Thus, they suffer an actual
15 loss substantially greater than 2/3 of their average
16 weekly wage.

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