

MAINE STATE LEGISLATURE

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L.D. 1429

(Filing No. H- 214)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 1083, L.D. 1429,
Bill, "AN ACT to Establish a State Standard for Fund-
ing Certain Workers under the Workers' Compensation
Commission."

Amend the bill by inserting after the title and
before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legis-
lature do not become effective until 90 days after
adjournment unless enacted as emergencies; and

Whereas, some employers and insurance carriers
designate unrealistic and unreasonably large amounts
as woods equipment allowances in order to reduce
employees' average weekly wages; and

Whereas, this practice unfairly reduces an
injured woodsman's workers' compensation benefits and
shifts an unfair burden to employers who accurately
report actual wages and thus pay higher insurance
rates; and

Whereas, in the judgment of the Legislature,
these facts create an emergency within the meaning of
the Constitution of Maine and require the following
legislation as immediately necessary for the preser-
vation of the public peace, health and safety; now,
therefore,'

Further amend the bill by striking out all of
paragraph A and inserting in its place the following:

'A. "Average weekly wages, earnings of salary"
of an injured employee shall be taken as the
amount which he was receiving at the time of the

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1 injury for the hours and days constituting a
2 regular full working week in the employment or
3 occupation in which he was engaged when injured
4 except that this shall not include any reasonable
5 and customary allowance given to the employee by
6 the employer for the purchase, maintenance or use
7 of any chainsaws or skidders used in the
8 employee's occupation, provided such employment
9 or occupation had continued on the part of the
10 employer for at least 200 full working days
11 during the year immediately preceding said that
12 injury. For purposes of this paragraph, a
13 "reasonable and customary allowance" is the
14 allowance provided in a negotiated contract
15 between the employee and the employer, or if not
16 provided for by a negotiated contract, an allow-
17 ance determined by the Department of Labor,
18 Bureau of Employment Security. Except that in the
19 case of piece workers and other employees whose
20 wages during said that year have generally varied
21 from week to week, such wages shall be averaged
22 in accordance with the method provided under
23 paragraph B.'

24 Further amend the bill by inserting at the end
25 before the statement of fact the following:

26 'Emergency clause. In view of the emergency
27 cited in the preamble, this Act shall take effect
28 when approved.'

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STATEMENT OF FACT

2 This amendment is offered on behalf of the Com-
3 mittee on Bills in the Second Reading to correct the
4 original bill.

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Filed by Rep. Ketover of Portland
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