

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 212

6
7 H.P. 178

House of Representatives, January 29, 1985

8 Reference to the Committee on Labor suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Ridley of Shapleigh.

Cosponsored by Representative Racine of Biddeford, Representative
Pouliot of Lewiston and Representative Daggett of Manchester.

11
12 STATE OF MAINE
13

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

17 AN ACT Establishing a Cap on Workers'
18 Compensation Increase.
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 1983, c. 479, §8, 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 so that it con-
32 tinues to bear the same percentage relationship to
33 the average weekly wage in the State as computed by
34 the Employment Security Commission, as it did at the
35 time of the injury. In the following cases it shall,

1 for the purposes of this Act, be conclusively pre-
2 sumed that the injury resulted in permanent total in-
3 capacity; the total and irrevocable loss of sight of
4 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 2/3 his average gross weekly wage, earnings or sala-
13 ry, but not more than 166 2/3% of the average weekly
14 wage in the State as computed by the Employment Secu-
15 rity Commission; nor less than \$25 weekly; and such
16 weekly compensation shall be adjusted annually so
17 that it continues to bear the same percentage rela-
18 tionship to the average weekly wage in the State as
19 computed by the Employment Security Commission, as it
20 did at the time of the injury. The maximum annual ad-
21 justment required under this section is 5%. 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 accord-
26 ance with the procedures established by section 58.
27 The annual adjustment required by this section shall
28 be made on the anniversary date of the injury, except
29 that, where the injury occurred prior to July 1,
30 1983, or where the effect of the 166 2/3% maximum is
31 to reduce the amount of compensation to which the
32 claimant would otherwise be entitled, the adjustment
33 shall be made annually on July 1st.

34 Sec. 2. 39 MRSA §55, as amended by PL 1983, c.
35 479, §9, is further amended to read:

36 §55. Compensation for partial incapacity

37 While the incapacity for work resulting from the
38 injury is partial, the employer shall pay the injured
39 employee a weekly compensation equal to 2/3 the dif-
40 ference, due to the injury, between his average gross
41 weekly wages, earnings or salary before the injury
42 and the weekly wages, earnings or salary which he is
43 able to earn thereafter, but not more than 166 2/3%
44 of the average weekly wage in the State as computed

1 by the Employment Security Commission; and such week-
2 ly compensation shall be adjusted annually so that it
3 continues to bear the same percentage relationship to
4 the average weekly wage in the State as computed by
5 the Employment Security Commission, as it did at the
6 time of the injury. The maximum annual adjustment re-
7 quired under this section is 5%. The annual adjust-
8 ment required by this section shall be made on the
9 anniversary date of the injury, except that, where
10 the injury occurred prior to July 1, 1983, or where
11 the effect of the 166 2/3% maximum is to reduce the
12 amount of compensation to which the claimant would
13 otherwise be entitled, the adjustment shall be made
14 annually on July 1st.

15 Sec. 3. 39 MRSA §58, first ¶, as amended by PL
16 1983, c. 479, §10, is further amended to read:

17 If death results from the injury, the employer
18 shall pay the dependents of the employee, dependent
19 upon his earnings for support at the time of his in-
20 jury, a weekly payment equal to 2/3 his average gross
21 weekly wages, earnings or salary, but not more than
22 166 2/3% of the average weekly wage in the State as
23 computed by the Employment Security Commission; nor
24 less than \$25 weekly; from the date of death, until
25 such time as provided for in the following paragraph.
26 Such weekly compensation shall be adjusted annually
27 so that it continues to bear the same percentage re-
28 lationship to the average weekly wage in the State as
29 computed by the Employment Security Commission, as it
30 did at the time of the injury. The maximum annual ad-
31 justment required under this section is 5%. The annu-
32 al adjustment required by this section shall be made
33 on the anniversary date of the injury, except that,
34 where the injury occurred prior to July 1, 1983, or
35 where the effect of the 166 2/3% maximum is to reduce
36 the amount of compensation to which the claimant
37 would otherwise be entitled, the adjustment shall be
38 made annually on July 1st.

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STATEMENT OF FACT

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This bill places a 5% cap on all annual benefit
3 adjustments under the Workers' Compensation Law.

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