

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 645

6
7 S.P. 250

In Senate, February 21, 1985

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

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Twitchell of Oxford.

11 Cosponsored by Representative Jackson of Harrison and Representative
Armstrong of Wilton.

12 STATE OF MAINE
13

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

17 AN ACT to Limit the Duplication of Benefits
18 under the Workers' Compensation Act.
19

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

22 Sec. 1. 39 MRSA §56, first ¶, as amended by PL
23 1979, c. 541, Pt. A, §§279 and 280, is further
24 amended to read:

25 In addition to the benefits provided for in sec-
26 tions 54 and 55, when an employee sustains an injury
27 which is included in the following schedule, the in-
28 capacity in each case shall be deemed to be total for
29 the period specified and the injured employee shall
30 receive a ~~lump sum payment~~ weekly compensation for
31 ~~said~~ the injury which shall be determined by multi-
32 plying the amount to which he would be entitled week-
33 ly for total incapacity as determined under section
34 54, by the period of presumed total incapacity set
35 forth in this section. The specific periods of pre-
36 sumed total incapacity because of injuries specified
37 in this section shall be as follows:

1 Sec. 2. 39 MRSA §56-A, first ¶, as enacted by PL
2 1971, c. 465, §1, is amended to read:

3 In addition to the benefits provided for in sec-
4 tions 54 and 55, when an employee sustains an injury
5 which is included in the following schedule, the in-
6 capacity in each case shall be deemed to be total for
7 the period specified and the injured employee shall
8 receive a ~~lump sum payment~~ weekly compensation for
9 ~~said~~ the injury which shall be determined by multi-
10 plying the amount to which he would be entitled week-
11 ly for total incapacity as determined under section
12 54, by the period of presumed total incapacity set
13 forth in this section. The specific periods of pre-
14 sumed total incapacity because of injuries specified
15 in this section shall be as follows:

16 Sec. 3. 39 MRSA §56-B is enacted to read:

17 §56-B. Compensation in lieu of other benefits

18 During the period in which an employee is receiv-
19 ing compensation for permanent impairment under sec-
20 tion 56 or 56-A, weekly compensation for incapacity
21 under section 54 or 55 shall not be payable. Compen-
22 sation for permanent impairment shall be in lieu of
23 any compensation for incapacity which would otherwise
24 be payable during that period. If the employee's in-
25 capacity continues beyond the period in which compen-
26 sation for permanent impairment is payable, the em-
27 ployer shall resume payments of compensation under
28 section 54 or 55, whichever is applicable.

29 STATEMENT OF FACT

30 Under state law as in many other states, a worker
31 is entitled to 2 types of compensation, compensation
32 for lost wages and compensation for permanent impair-
33 ment. Unlike most other states, state law provides
34 that compensation for permanent impairment is to be
35 paid in addition to wage loss compensation. Most
36 states permit workers to claim one or the other, but
37 not both.

1 This bill limits that duplication of benefits.
2 It still permits workers to receive both types of
3 benefits. It provides, that a worker is not to re-
4 ceive compensation for lost wages during the same pe-
5 riod in which compensaiton for permanent impairment
6 is payable. If the worker is unable to work beyond
7 that period, wage loss benefits will continue.

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