

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 320

S.P. 121

In Senate, February 10, 1987

Reference to the Committee on Labor suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator DOW of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Limit the Duplication of Benefits
2 Under the Workers' Compensation Act.
3

4 Be it enacted by the People of the State of Maine as
5 follows:

6 Sec. 1. 39 MRSA §56, first ¶, as amended by PL
7 1985, c. 372, Pt. A, §20, is further amended to
8 read:

9 In addition to the benefits provided for in sec-
10 tions 54-A and 55-A, when an employee sustains an in-
11 jury which is included in the following schedule, the
12 incapacity in each case shall be deemed to be total
13 for the period specified and the injured employee
14 shall receive a ~~lump sum payment~~ weekly compensation
15 for that injury which shall be determined by multi-
16 plying an amount equal to 2/3 of the state average

1 weekly wage as computed by the Maine Unemployment In-
2 surance Commission by the period of presumed total
3 incapacity set forth in this section. The specific
4 periods of presumed total incapacity because of inju-
5 ries specified in this section are as follows:

6 Sec. 2. 39 MRSA §56-A, first ¶, as enacted by PL
7 1985, c. 372, Pt. A, §21, is amended to read:

8 In addition to the benefits provided for in sec-
9 tions 54-A and 55-A, when an employee sustains an in-
10 jury which is included in the following schedule, the
11 incapacity in each case shall be deemed to be total
12 for the period specified and the injured employee
13 shall receive a ~~lump sum payment~~ weekly compensation
14 for that injury which shall be determined by multi-
15 plying an amount equal to 2/3 of state average weekly
16 wage as computed by the Employment Security Commis-
17 sion by the period of presumed total incapacity set
18 forth in this section. The specific periods of pre-
19 sumed total incapacity because of injuries specified
20 in this section are as follows:

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

22 §56-B. Compensation in lieu of other benefits

23 During the period in which an employee is receiv-
24 ing compensation for permanent impairment under sec-
25 tion 56 or 56-A, weekly compensation for incapacity
26 under section 54 or 55 shall not be payable. Compens-
27 ation for permanent impairment shall be in lieu of
28 any compensation for incapacity which would otherwise
29 be payable during that period. If the employee's in-
30 capacity continues beyond the period in which compens-
31 ation for permanent impairment is payable, the em-
32 ployer shall resume payments of compensation under
33 section 54 or 55, whichever is applicable.

34 Sec. 4. Application. This Act shall apply only
35 as to injuries occurring on or after its effective
36 date.

1

STATEMENT OF FACT

2 Under state law as in many other states, a worker
3 is entitled to 2 types of compensation, compensation
4 for lost wages and compensation for permanent impair-
5 ment. Unlike most other states, state law provides
6 that compensation for permanent impairment is to be
7 paid in addition to wage loss compensation. Most
8 states permit workers to claim one or the other, but
9 not both.

10 This bill limits that duplication of benefits.
11 It still permits workers to receive both types of
12 benefits. It provides that a worker is not to re-
13 ceive compensation for lost wages during the same pe-
14 riod in which compensation for permanent impairment
15 is payable. If the worker is unable to work beyond
16 that period, wage loss benefits will continue.

17

0851011087