

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1374

S.P. 513

In Senate, April 1, 1991

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Clarify the Workers' Compensation Act.



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

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39 MRSA §55-B, first ¶, as enacted by PL 1987, c. 559, Pt. B,
4 §30, is amended to read:

6 While the incapacity for work resulting from the injury is
7 partial, the employer shall pay the injured employee a weekly
8 compensation equal to 2/3 the difference, due to the injury,
9 between his the employee's average gross weekly wages, earning
10 earnings or salary before the injury and the weekly wages,
11 earnings or salary which he the employee is able to earn after
12 the injury, but not more than the maximum benefit under section
13 53-B. ~~Payments under this section shall not continue for longer~~
14 ~~than 400 weeks after maximum medical improvement.~~ When it has
15 been determined by the commission that the injured employee is
16 50% or less incapacitated, payments under this section may not
17 continue for longer than 400 weeks after maximum medical
18 improvement has been attained, excepting subsequent periods of
19 incapacity resulting from the injury in which the injured
20 employee is more than 50% incapacitated. These periods of more
21 than 50% incapacity may not be counted as part of the 400 week
22 maximum.

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STATEMENT OF FACT

This amendment to the "400-week rule" ensures that employees
who are still severely limited by work-related injuries do not
arbitrarily lose their workers' compensation benefits. Injured
employees who are 50% or less incapacitated still face
curtailment of wage replacement benefits after 400 weeks.