

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
THIRD SPECIAL SESSION

HOUSE AMENDMENT "N" to HOUSE AMENDMENT "C" to H.P. 1783,  
L.D. 2464, Bill, "An Act to Reform the Workers' Compensation Act  
and Workers' Compensation Insurance Laws"

Amend the amendment on pages 4 and 5 in that part designated  
"§213." by striking out all of subsections 1 to 3 and inserting  
in their place the following:

'1. Rate of compensation. While the incapacity for work is  
partial, the employer shall pay the injured employee a weekly  
compensation equal to 80% of the difference between the injured  
employee's after-tax average weekly wage before the personal  
injury and the after-tax average weekly wage that the injured  
employee is able to earn after the injury, but not more than the  
maximum benefit under section 211.

2. Duration of compensation for injuries occurring between  
January 1, 1993 and December 30, 1994. The duration of  
compensation is determined according to this subsection for all  
injuries occurring between January 1, 1993 and December 30, 1994.

A. Compensation must be paid for the duration of the  
disability if the employee's permanent impairment,  
determined according to the impairment guidelines adopted by  
the board pursuant to section 153, subsection 8, resulting  
from the personal injury is in excess of 15% to the body.

B. In all other cases an employee is eligible to receive  
compensation under this paragraph as follows.

(1) The employee is eligible to receive 260 weeks of  
compensation under section 212, subsection 1, this  
section or both.

2 (2) The board may in the exercise of its discretion  
4 extend the duration of benefit entitlement beyond 260  
6 weeks in cases involving extreme financial hardship due  
to inability to return to gainful employment. This  
authority may not be delegated to a hearing officer and  
such decisions must be made expeditiously.

8 (3) The employee whose eligibility limit is 260 weeks  
10 under subparagraph (1) is eligible for increased weeks  
12 of eligibility if the 117th Legislature grants  
increased eligibility to such employees after receiving  
the report from the board specified in subsection 3.

14 (4) Effective January 1, 1998 and every January 1st  
16 thereafter the 260-week limitation contained in  
18 subparagraph (1) must be extended 52 weeks for every  
20 year the board finds that the frequency of such cases  
22 involving the payment of benefits under section 212 or  
24 213 is no greater than the national average based on  
26 frequency from the latest unit statistical plan  
aggregate data for Maine and on a countrywide basis,  
adjusted to a unified industry mix. The 260-week  
limitation contained in subparagraph (1) may not be  
extended under this subparagraph to more than 520  
weeks. Payment for additional weeks of benefits under  
this subparagraph must be made from the Employment  
Rehabilitation Fund.

28 (5) An employee may receive extensions beyond the  
30 260-week limitation of subparagraph (1) under one or  
32 more of subparagraphs (2), (3) and (4).

34 3. Report. The board shall study the following issues,  
36 shall report its findings to the 117th Legislature on or before  
January 1, 1995 and shall submit legislation to implement its  
findings to the 117th Legislature. The issues to be studied are:

38 A. Whether the level of permanent impairment to the body is  
40 the appropriate standard for determining the duration of  
benefits for partial incapacity;

42 B. Whether 15% permanent impairment to the body is the  
44 appropriate level of medical impairment for determining the  
length of duration of benefits for partial incapacity; and

46 C. Whether a different standard should be used to determine  
48 the duration of benefits for partial incapacity.

50 In studying the standard for determining the duration of benefits  
for partial incapacity, the board shall consider all relevant

2 data, medical and statistical information and models from other  
3 states and from literature on the subject of functional  
4 incapacity and impairment.

6 4. Duration of compensation for injuries occurring on or  
7 after January 1, 1995. The duration of compensation for all  
8 injuries occurring on or after January 1, 1995 is 520 weeks of  
9 benefits under section 212, subsection 1, this section or both.'

10 Further amend the amendment on pages 4 and 5 in that part  
11 designated "§213." by renumbering the subsections to read  
12 consecutively.

14  
16 **STATEMENT OF FACT**

18 This amendment reformats the language dealing with benefits  
19 and duration compensation for partial incapacity, threshold  
20 adjustment and dates of injury. The amendment also changes the  
21 duration dates of compensation from January 1, 1993 and January  
22 1, 1998 to January 1, 1993 and December 30, 1994. The amendment  
23 also adds a reporting requirement. The amendment authorizes an  
24 increase of eligibility limits if the Legislature grants the  
25 increase after the Legislature has received the report required  
26 to be submitted by the Workers' Compensation Board. The  
27 amendment also sets a time duration for injuries occurring after  
28 January 1, 1995.

Filed by Rep. Rydell of Brunswick  
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