

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

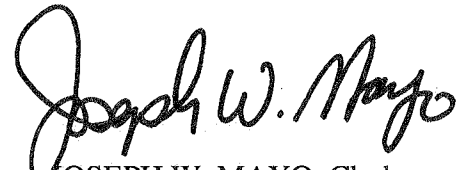
No. 321

H.P. 257

House of Representatives, January 23, 1997

An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Compensation for Total Incapacity.

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GOODWIN of Pembroke.
Cosponsored by Senator CATHCART of Penobscot and
Representatives: CLARK of Millinocket, HATCH of Skowhegan, TUTTLE of Sanford.

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

2
4 **Sec. 1. 39-A MRSA §212, sub-§§2-A and 4** are enacted to read:

6 **2-A. Total incapacity lump sum benefit.** For injuries
8 occurring on or after January 1, 1993, when there is a
10 presumption of total incapacity under subsection 2, the employee
12 is entitled to a lump sum payment equal to 800 times 80% of the
14 employee's after-tax average weekly wage subject to the maximum
16 benefit under section 211, in addition to the 800 weeks of
18 benefits required by subsection 2. This lump sum payment must be
20 made within 120 days of a doctor's certification that the body
22 part was amputated or is not functional.

24 **4. Specific loss lump sum benefit.** For injuries occurring
26 on or after January 1, 1993, when there is an actual or a
28 functional loss of a body part specified in subsection 3, the
30 employee is entitled to a lump sum payment equal to the number of
32 weeks specified in subsection 3 times 80% of the employee's
34 after-tax average weekly wage, up to the maximum benefit under
36 section 211, in addition to the weeks of specific loss benefit
38 required by subsection 3. This lump sum payment must be made
 within 120 days of a doctor's certification that the body part
 was amputated or is not functional.

Sec. 2. Retroactivity. Notwithstanding the Maine Revised
Statutes, Title 1, section 302, this Act applies retroactively to
all injuries occurring on or after January 1, 1993.

SUMMARY

 This bill amends the Maine Workers' Compensation Act of 1992
to provide a lump sum benefit in addition to the current weekly
benefit when the employee's injury is an amputation or total loss
of function of a body part. The amount of the lump sum benefit
is equal to the amount of the weekly benefit times the period of
presumed incapacity.