

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1457

H.P. 1040

House of Representatives, March 11, 1997

An Act to Extend the Period for Payment of Workers' Compensation Benefits.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CLARK of Millinocket.
Cosponsored by Representatives: BOLDUC of Auburn, HATCH of Skowhegan, RINES of Wiscasset, SAMSON of Jay, STANLEY of Medway, Senator: CATHCART of Penobscot.

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

Sec. 1. 39-A MRSA §213, sub-§§1 and 4, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

1. Benefit and duration. 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. 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. In all other cases an employee is not eligible to receive compensation under this section after the employee has received 260 520 weeks of compensation under section 212, subsection 1, this section or both. The board may in the exercise of its discretion extend the duration of benefit entitlement beyond 260 520 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.

4. Extension of 520-week limitation. Effective January 1, 1998 and every January 1st thereafter, the ~~260-week~~ 520-week limitation contained in subsection 1 must be extended 52 weeks for every year the board finds that the frequency of such cases involving the payment of benefits under section 212 or 213 is no greater than the national average based on 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 subsection 1 may not be extended under this subsection to more than 520 weeks.~~ Reimbursement to the employer, insurer or group self-insurer for the payment of all benefits for additional weeks payable pursuant to this subsection must be made from the Employment Rehabilitation Fund.

SUMMARY

This bill extends the period for payment of benefits for partial incapacity to delay the onset of hardship for injured employees and to provide income and support for injured employees and their families for a period of up to 10 years, rather than 5 years as provided in current law.