

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 225

H.P. 163

House of Representatives, January 11, 1999

**An Act to Amend the Maine Workers' Compensation Act of 1992 as it  
Relates to Compensation for Amputation of a Body Part.**

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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 GOODWIN of Pembroke.

Cosponsored by Representatives: BOLDUC of Auburn, BROOKS of Winterport, CHIZMAR of Lisbon, CLARK of Millinocket, HATCH of Skowhegan, STANLEY of Medway.

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

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.

24 4. Specific loss lump sum benefit. For injuries occurring  
26 on or after January 1, 1993, when there is an actual loss of a  
28 body part specified in subsection 3, the employee is entitled to  
30 a lump sum payment equal to the number of weeks specified in  
32 subsection 3 times 80% of the employee's after-tax average weekly  
34 wage, up to the maximum benefit under section 211, in addition  
36 to the weeks of specific loss benefit 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.

**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 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.