

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 806

S.P. 288

In Senate, January 28, 1999

An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers.

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 CATHCART of Penobscot.
Cosponsored by Representative SAXL of Portland and
Senators: DOUGLASS of Androscoggin, PINGREE of Knox, RAND of Cumberland,
Representatives: CLARK of Millinocket, DUNLAP of Old Town, HATCH of Skowhegan,
SAMSON of Jay, STANLEY of Medway.

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

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

4 1-A. Annual compensation adjustments. This subsection
6 governs annual compensation adjustments for total incapacity
8 benefits.

10 A. An employee is entitled to annual compensation
12 adjustments if the employee:

14 (1) Was injured on or after January 1, 1993; and

16 (2) Has reached the 6th anniversary of the injury.

18 B. The compensation must be adjusted so that it continues
20 to bear the same percentage relationship to the state
22 average weekly wage, as computed by the Maine Unemployment
24 Insurance Commission, as the compensation bore to the state
26 average weekly wage in the previous year, except that an
28 adjustment may not exceed 3%.

30 C. The first adjustment must be made on the 6th anniversary
32 of the injury.

34 **Sec. 2. 39-A MRSA §213, sub-§5** is enacted to read:

36 5. Annual compensation adjustments. This subsection
38 governs annual compensation adjustments for partial incapacity
40 benefits.

42 A. An employee is entitled to annual compensation
44 adjustments if the employee:

46 (1) Was injured on or after January 1, 1993;

48 (2) Meets the permanent impairment threshold
50 established in either subsection 1 or 2, whichever is
52 effective on the date of the injury; and

 (3) Has reached the 6th anniversary of the injury.

B. The compensation must be adjusted so that it continues
 to bear the same percentage relationship to the state
 average weekly wage, as computed by the Maine Unemployment
 Insurance Commission, as the compensation bore to the state
 average weekly wage in the previous year, except that an
 adjustment may not exceed 3%.

C. The first adjustment must be made on the 6th anniversary
 of the injury.

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SUMMARY

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This bill provides that an employee is entitled to annual cost-of-living adjustments in workers' compensation benefits if the employee was injured on or after January 1, 1993, experienced total incapacity or partial incapacity that meets statutory thresholds and has reached the 6th anniversary of the injury. An adjustment may not exceed 3%.