

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 10

H.P. 17

House of Representatives, January 14, 2003

**An Act to Amend the Laws Governing the Extension of Benefits for
Partial Incapacity Under the Maine Workers' Compensation Act of
1992**

Reported by Representative SMITH of Van Buren for the Workers' Compensation Board
pursuant to the Maine Revised Statutes, Title 39-A, section 152, subsection 11.

Reference to the Committee on Labor suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

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Sec. 1. 39-A MRSA §213, sub-§1, as amended by PL 2001, c. 712, §1 and affected by §6, is further amended to read:

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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 subsection 1-A and 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 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 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 or a tribunal of hearing officers as approved by the board, and such decisions must be made expeditiously.

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SUMMARY

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This bill allows the Workers' Compensation Board to delegate to hearing officers authority to hear and decide cases involving a request for an extension of benefits due to extreme financial hardship due to inability to return to gainful employment.

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