

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 101

H.P. 110

House of Representatives, January 21, 2003

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

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GOODWIN of Pembroke.

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
benefit under section 211, in addition to the 800 weeks of
benefits required by subsection 2. This lump-sum payment must be
made within 120 days of a doctor's certification that a body part
was amputated.

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

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

30 **SUMMARY**

32 This bill amends the Maine Workers' Compensation Act of 1992
34 to provide a lump-sum benefit in addition to the current weekly
36 benefit when an employee's injury is the amputation of a body
38 part. The amount of the lump-sum benefit is equal to the amount
of the weekly benefit times the period of presumed incapacity.
The benefits apply retroactively to all injuries occurring on or
after January 1, 1993.