

# MAINE STATE LEGISLATURE

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L.D. 476

DATE: 4-4-03

(Filing No. H-96)

MAJORITY  
LABOR

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 368, L.D. 476, Bill, "An Act To Protect Maine Families When Workplace Fatalities Occur"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 39-A MRSA §102, sub-§4, ¶H, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

H. "Average weekly wages, earnings or salary" does not include any fringe or other benefits paid by the employer that continue during the disability. Any fringe or other benefit paid by the employer that does not continue during the disability must be included for purposes of determining an employee's average weekly wage to the extent that the inclusion of the fringe or other benefit will not result in a weekly benefit amount that is greater than 2/3 of the state average weekly wage at the time of injury. The limitation on including discontinued fringe or other benefits only to the extent that such inclusion does not result in a weekly benefit amount greater than 2/3 of the state average weekly wage at the time of injury does not apply if the injury results in the employee's death.

Sec. 2. Application. This Act applies to calculations of death benefits made on or after the effective date of this Act.'

COMMITTEE AMENDMENT

**H.O.S.**

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**SUMMARY**

This amendment is the majority report of the Joint Standing Committee on Labor and replaces the bill. It amends current law relating to the inclusion of the value of discontinued benefits in calculating the employee's average weekly wages, earnings or salary for purposes of workers' compensation. Currently, that value is not included in the calculation to the extent that the inclusion causes the wage to exceed 2/3 of the state average weekly wage at the time of injury. This amendment removes the 2/3 limitation in the event of an employee's death so that more of the value of such benefits may be used in determining the death benefit due to survivors.

**FISCAL NOTE REQUIRED**  
(See attached)

Approved: 03/31/03 *MRC*

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 476**

**An Act to Protect Families When Workplace Fatalities Occur**

**LR 0499(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Labor**

**Fiscal Note Required: Yes**



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**Fiscal Note**

Potential current biennium cost increase - All Funds

**Fiscal Detail and Notes**

The fiscal impact on the State's self-insured worker compensation program can not be determined at this time but is not expected to be significant.