

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1476

S.P. 501

In Senate, March 24, 2005

**An Act To Provide an Annual Cost-of-living Adjustment for Persons
Receiving Workers' Compensation Benefits for Total Incapacity**

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 NUTTING of Androscoggin.
Cosponsored by Representative PINEAU of Jay and
Senators: COWGER of Kennebec, STRIMLING of Cumberland, Representatives:
GERZOFKY of Brunswick, HUTTON of Bowdoinham, PATRICK of Rumford, SMITH of
Van Buren.

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

4 **Sec. 1. 39-A MRSA §212, sub-§1**, as enacted by PL 1991, c. 885,
Pt. A, §8 and affected by §§9 to 11, is amended to read:

6 **1. Total incapacity.** While the incapacity for work
8 resulting from the injury is total, the employer shall pay the
injured employee a weekly compensation equal to 80% of the
10 employee's after-tax average weekly wage, but not more than the
maximum benefit under section 211. Compensation must be paid for
the duration of the incapacity.

12 The compensation must be adjusted annually so that it continues
14 to bear the same percentage relationship to the state average
16 weekly wage, as computed by the Maine Unemployment Insurance
Commission, as the compensation compared to the state average
18 weekly wage at the time of the injury.

20 Any employee who is able to perform full-time remunerative work
in the ordinary competitive labor market in the State, regardless
22 of the availability of such work in and around that employee's
community, is not eligible for compensation under this section,
24 but may be eligible for compensation under section 213.

26 **SUMMARY**

28 This bill requires an annual adjustment to benefits for
those receiving workers' compensation because of total incapacity.