

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1438

S.P. 505

March 15, 2007

An Act To Reverse the Effects of the Grant Case on Workers' Compensation

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 MILLS of Somerset. (BY REQUEST)

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

2 **Sec. 1. 39-A MRSA §205, sub-§9, ¶B**, as enacted by PL 1991, c. 885, Pt. A, §8
3 and affected by §§9 to 11, is amended to read:

4 B. In all circumstances other than the return to work or increase in pay of the
5 employee under paragraph A, if the employer, insurer or group self-insurer
6 determines that the employee is not eligible for compensation under this Act, the
7 employer, insurer or group self-insurer may discontinue or reduce benefits only in
8 accordance with this paragraph.

9 (1) If no order or award of compensation or compensation scheme has been
10 entered, the employer, insurer or group self-insurer may discontinue or reduce
11 benefits by sending a certificate by certified mail to the employee and to the
12 board, together with any information on which the employer, insurer or group
13 self-insurer relied to support the discontinuance or reduction. The employer may
14 discontinue or reduce benefits no earlier than 21 days from the date the certificate
15 was mailed to the employee, except that benefits paid pursuant to section 213,
16 subsection 1 may be discontinued or reduced by the amount of earnings paid to
17 the employee during the 21 days. The certificate must advise the employee of the
18 date when the employee's benefits will be discontinued or reduced, as well as
19 other information as prescribed by the board, including the employee's appeal
20 rights.

21 (2) If an order or award of compensation or compensation scheme has been
22 entered, the employer, insurer or group self-insurer shall petition the board for an
23 order to reduce or discontinue benefits and may not reduce or discontinue
24 benefits until the matter has been finally resolved through the dispute resolution
25 procedures of this Act, any appeal proceedings have been completed and an order
26 of reduction or discontinuance has been entered by the board. Upon the filing of
27 a petition, the employer may discontinue or reduce the weekly benefits being
28 paid pursuant to section 213, subsection 1 by the amount of earnings paid to the
29 employee after the filing of the petition.

30 **SUMMARY**

31 The purpose of this bill is to address an issue identified in Grant v. Central Maine
32 Power, Inc., 2003 ME 96 by amending the Maine Workers' Compensation Act of 1992 to
33 permit employers to reduce weekly benefits by the amount of earnings paid by an
34 employer that is not liable or responsible for paying the weekly benefits.