

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 649, L.D. 946, Bill, "An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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

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

(1) If no order or award of compensation or compensation scheme has been entered, the employer, insurer or group self-insurer may discontinue or reduce benefits by sending a certificate by certified mail to the employee and to the board, together with any information on which the employer, insurer or group self-insurer relied to support the discontinuance or reduction. The employer may discontinue or reduce benefits no earlier than 21 days from the date the certificate was mailed to the employee, except that benefits paid pursuant to section 212, subsection 1 or section 213, subsection 1 may be discontinued or reduced based on the amount of actual documented earnings paid to the employee during the 21-day period if the employer files with the board the documentation or evidence that substantiates the earnings and the employer only reduces or discontinues benefits for any week for which it possesses evidence of such earning. The certificate must advise the employee of the date when the employee's benefits will be discontinued or reduced, as well as other information as prescribed by the board, including the employee's appeal rights.

(2) If an order or award of compensation or compensation scheme has been entered, the employer, insurer or group self-insurer shall petition the board for an order to reduce or discontinue benefits and may not reduce or discontinue

COMMITTEE AMENDMENT

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benefits until the matter has been finally resolved through the dispute resolution procedures of this Act, any appeal proceedings have been completed and an order of reduction or discontinuance has been entered by the board. Upon the filing of a petition, the employer may discontinue or reduce the weekly benefits being paid pursuant to section 212, subsection 1 or section 213, subsection 1 based on the amount of actual documented earnings paid to the employee after filing the petition. The employer shall file with the board the documentation or evidence that substantiates the earnings and the employer may discontinue or reduce weekly benefits only for weeks for which the employer possesses evidence of such earnings.

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Sec. 2. Retroactivity. This Act applies retroactively to all injuries including pending cases and cases on appeal.'

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SUMMARY

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This amendment clarifies that earnings may be discontinued or reduced by the actual substantiated amount paid to the employee during the 21-day period if the employer files the evidence of payment with the Workers' Compensation Board for the time during which an employee was actually paid by the employer.

FISCAL NOTE REQUIRED
(See attached)



124th MAINE LEGISLATURE

LD 946

LR 1144(02)

An Act To Reverse the Effects of Grant v. Central Maine Power, Inc. on Workers' Compensation

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Labor
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium savings - All Funds

Fiscal Detail and Notes

Allowing an employer to discontinue or reduce weekly workers' compensation benefits being paid to an individual by the amount of earnings paid to that individual by an employer that is not liable or responsible for paying the weekly benefit may result in savings to the State as a self-insured employer. The amount can not be determined at this time and will depend on actual experience.