

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)

Smg
R. 2013

L.D. 1913

Date: 4-12-12

(Filing No. S- 554)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "B" to H.P. 1417, L.D. 1913, Bill, "An Act To Review and Restructure the Workers' Compensation System"

Amend the bill by striking out all of section 7 and inserting the following:

'Sec. 7. 39-A MRSA §213, sub-§1-B is enacted to read:

1-B. Long-term partial incapacity; date of injury on or after January 1, 2013.

After the exhaustion of benefits under subsection 1, paragraph B, if the employee is working and the employee's earnings, as measured by average weekly earnings over the most recent 26-week period documented by payroll records or tax returns, are 70% or less of the preinjury average weekly wage, the employer shall pay weekly compensation equal to 2/3 of the difference between the employee's average weekly wage at the time of the injury and the employee's postinjury wage, but not more than the maximum benefit under section 211. Compensation under this subsection must be paid at a fixed rate.

While the employee is claiming or receiving extended partial incapacity benefits under this subsection, the employee shall complete and provide quarterly employment status reports and provide copies of current tax returns as early as practicable after the return is filed.

An order authorizing benefits under this subsection is not subject to review sooner than 2 years from the issuance of the order.'

SUMMARY

This amendment makes changes to the provisions in the bill regarding long-term partial incapacity for employees whose date of injury is on or after January 1, 2013. This amendment removes language limiting benefits to situations in which the whole person permanent impairment resulting from the injury is in excess of 25%. In addition, the bill provides that if the employee's earnings are 50% or less than the preinjury average weekly wage, the employer shall pay compensation; this amendment changes the percentage to 70% or less. This amendment removes language requiring the employee's actual earnings to be commensurate with the employee's earning capacity and requiring the employee to have earnings from employment for a period not less than 24 months prior to the expiration of the 520-week durational limit. Finally, this amendment

R. 28.

SENATE AMENDMENT "B" to H.P. 1417, L.D. 1913

1 provides that an order authorizing these benefits is not subject to review sooner than 2
2 years from the issuance of the order.

3 **FISCAL NOTE REQUIRED**

4 (See attached)

5 SPONSORED BY: 

6 (Senator BARTLETT)

7 COUNTY: Cumberland



Approved: 04/12/12 *MAC*

125th MAINE LEGISLATURE

LD 1913

LR 2787(02)

An Act To Review and Restructure the Workers' Compensation System

Fiscal Note for Senate Amendment "B" S-554

Sponsor: Sen. Bartlett, II of Cumberland

Fiscal Note Required: Yes

Fiscal Note

Undetermined fiscal impact - all funds

Fiscal Detail and Notes

The fiscal impact of changing certain provisions regarding compensation benefits for employees with long-term partial incapacity whose date of injury is on or after January 1, 2013 can not be determined at this time and will depend on actual experience and will be reflected in future loss cost filings submitted by NCCI to the Maine Bureau of Insurance.