

MAINE STATE LEGISLATURE

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SMG
R. 23

L.D. 1913

Date: 4-13-12

(Filing No. S-564)

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STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION

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

Amend the bill by inserting before section 1 the following:

'Sec. 1. 39-A MRSA §153, sub-§10 is enacted to read:

10. Annual report to Legislature. The board shall collect and analyze data from Maine cases on permanent impairment ratings and costs to employers associated with the compensation for partial incapacity pursuant to section 213. The board shall provide annually by January 31st a report to the joint standing committee of the Legislature having jurisdiction over labor matters regarding the data collected.'

Amend the bill in section 7 in subsection 1-B in the 3rd line (page 4, line 28 in L.D.) by striking out the following: "25%" and inserting the following: '18%'

Amend the bill in section 7 in subsection 1-B in the 5th line (page 4, line 30 in L.D.) by striking out the following: "50%" and inserting the following: '65%'

Amend the bill in section 7 in subsection 1-B in the 11th line (page 4, line 36 in L.D.) by inserting after the following: "physical" the following: 'and psychological'

Amend the bill in section 7 in subsection 1-B in the first paragraph in the 3rd line from the end (page 4, line 39 in L.D.) by striking out the following: "not less than 24 months" and inserting the following: 'of not less than 12 months within a 24-month period'

Amend the bill in section 17 by striking out all of subsection 1 (page 8, lines 33 to 36 in L.D.) and inserting the following:

1. Statute of limitations. Except as provided in this section, a petition brought under this Act is barred unless filed within 2 years after the date of injury or the date the employee's employer files a required first report of injury as if required in section 303, whichever is later.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment makes the following changes to the bill regarding requirements for receiving benefits for long-term partial incapacity:

1. It reduces the percentage of permanent impairment necessary from 25% to 18%;
2. It changes the necessary percentage of the employee's earnings from 50% or less of the preinjury average weekly wage to 65% or less of the preinjury average weekly wage;
3. It requires consideration of an employee's psychological work capacity in assessing the employee's earning capacity; and
4. It changes the necessary period of earnings from employment from not less than 24 months prior to the expiration of the 520-week durational limit to a period of not less than 12 months within a 24-month period prior to the expiration of the 520-week durational limit.

In addition, this amendment specifies that the statute of limitations bars a petition unless filed within 2 years after the date of injury or the date the employee's employer files a required first report of injury.

Finally, this amendment requires that the Workers' Compensation Board report, at least annually, to the Legislature, on costs to employers associated with long-term partial incapacity benefits and permanent impairment rating numbers.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY:

(Senator RECTOR)

COUNTY: Knox



Revised: 04/13/12 *MAC*

125th MAINE LEGISLATURE

LD 1913

LR 2787(10)

An Act To Review and Restructure the Workers' Compensation System

Fiscal Note for Senate Amendment "D" S - 564

Sponsor: Sen. Rector of Knox

Fiscal Note Required: Yes

Fiscal Note

Undetermined fiscal impact - all funds

Fiscal Detail and Notes

The fiscal impact of changing certain eligibility requirements for the extension of benefits for permanently impaired individuals with partial incapacity beyond 520 weeks for those injuries that occur 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.

Additional costs to the Workers' Compensation Board associated with preparing and submitting the required report can be absorbed with existing budgeted resources.