

# MAINE STATE LEGISLATURE

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TIME  
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MAJORITY

L.D. 443

Date 6/7/2013

(Filing No. S-250)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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

STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 175, L.D. 443, Bill, "An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers"

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

**Sec. 1. 39-A MRSA §213, sub-§1-B**, as enacted by PL 2011, c. 647, §8, is repealed and the following enacted in its place:

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

While the employee's demonstrated earning capacity after the exhaustion of benefits under subsection 1, paragraph B is 70% or less than the employee's earnings at the time of injury and the employee is working within the employee's documented capacity, the employer shall pay 2/3 of the difference between the employee's average weekly wage at the time of 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 and is reviewable no more frequently than every 2 years.

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.

**Sec. 2. 39-A MRSA §214, sub-§1, ¶F** is enacted to read:

F. If the employee is not working and has performed a work search sufficient for the receipt of unemployment benefits as required by the Department of Labor, a rebuttable presumption is created that the employee is entitled to receive a weekly compensation amount equal to the amount permitted for total incapacity under section 212. This presumption may be rebutted only by a showing that the employee has received a bona fide offer of reasonable employment and refused that offer without good and reasonable cause.

**COMMITTEE AMENDMENT**





# 126th MAINE LEGISLATURE

LD 443

LR 1475(02)

## An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-250)  
Committee: Labor, Commerce, Research and Economic Development  
Fiscal Note Required: Yes

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### Fiscal Note

Undetermined current biennium cost increase - All funds

#### Fiscal Detail and Notes

The provisions of this legislation, including the elimination of certain eligibility requirements for long-term partial incapacity benefits for injuries sustained on or after January 1, 2013 and the creation of a rebuttable presumption that an injured worker with partial incapacity is eligible for 100% partial incapacity benefits if the injured worker has performed a work search that meets the requirements established by the Department of Labor to qualify for unemployment benefits, will increase workers' compensation costs for insured employers in the State. The impact can not be determined at this time. However, unofficial estimates provided by the National Council on Compensation Insurance, Inc. (NCCI) indicate the potential increase in premiums for insured employers to be between \$10 million and \$14 million.

The cost to the State's self-insured program for State employees will depend on actual experience. Unofficial estimates based on information provided by NCCI indicate the cost to all self-insured employers in Maine could range between \$6.4 million and \$27.2 million.