

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 601

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S.P. 188

In Senate, February 5, 2019

**An Act To Create Fairness by Reinstating the Cost-of-living  
Adjustment for Workers' Compensation Benefits**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BELLOWS of Kennebec.  
Cosponsored by Representative SYLVESTER of Portland and  
Senators: President JACKSON of Aroostook, LAWRENCE of York, Representatives: DOORE  
of Augusta, FECTION of Biddeford, HANDY of Lewiston.

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

2 **Sec. 1. 39-A MRSA §212, sub-§4** is enacted to read:

3 **4. Annual adjustment.** Beginning on the 3rd anniversary of the injury, weekly  
4 compensation under this section must be adjusted annually. The adjustment is equal to the  
5 actual percentage increase or decrease in the state average weekly wage, as computed by  
6 the Department of Labor, for the previous year or 5%, whichever is less.

7 The annual adjustment must be made on the 3rd and each succeeding anniversary date of  
8 the injury, except that when the effect of the maximum under section 211 is to reduce the  
9 amount of compensation to which the claimant would otherwise be entitled, the  
10 adjustment must be made annually on July 1st.

11 **Sec. 2. 39-A MRSA §213, sub-§5** is enacted to read:

12 **5. Annual adjustment.** Beginning on the 3rd anniversary of the injury, weekly  
13 compensation under this section must be adjusted annually. The adjustment is equal to the  
14 actual percentage increase or decrease in the state average weekly wage, as computed by  
15 the Department of Labor, for the previous year or 5%, whichever is less.

16 The annual adjustment must be made on the 3rd and each succeeding anniversary date of  
17 the injury, except that when the effect of the maximum under section 211 is to reduce the  
18 amount of compensation to which the claimant would otherwise be entitled, the  
19 adjustment must be made annually on July 1st.

20 **SUMMARY**

21 This bill establishes cost-of-living adjustments for workers' compensation benefits.  
22 Prior to the 1992 revision of the laws governing workers' compensation, benefits for total  
23 incapacity were adjusted annually based on the percentage increase or decrease in the  
24 state average weekly wage.