

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1625

S.P. 522

In Senate, April 23, 2019

**An Act To Eliminate the Durational Cap on Partial Benefits under
the Workers' Compensation Laws**

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 President JACKSON of Aroostook.

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

2 **Sec. 1. 39-A MRSA §213, sub-§1, ¶B**, as amended by PL 2015, c. 297, §8, is
3 further amended to read:

4 B. If the injured employee's date of injury is on or after January 1, 2013, the weekly
5 compensation is equal to 2/3 of the difference, due to the injury, between the
6 employee's average gross weekly wages, earnings or salary before the injury and the
7 average gross weekly wages, earnings or salary that the employee is able to earn after
8 the injury, but not more than the maximum benefit under section 211. ~~An employee
9 is not eligible to receive compensation under this paragraph after the employee has
10 received a total of 520 weeks of compensation under section 212, subsection 1-A, this
11 paragraph or both. The board may in the exercise of its discretion extend the duration
12 of benefit entitlement beyond 520 weeks in cases involving extreme financial
13 hardship due to inability to return to gainful employment. This authority may be
14 delegated by the board, on a case-by-case basis, to an administrative law judge or a
15 panel of 3 administrative law judges. The board, administrative law judge or panel
16 shall make a decision under this paragraph expeditiously. A decision under this
17 paragraph made by an administrative law judge or a panel of 3 administrative law
18 judges may not be appealed to the board under section 320, but may be appealed
19 pursuant to section 321-A.~~

20 ~~Orders extending benefits beyond 520 weeks are not subject to review more often
21 than every 2 years from the date of the board order or request allowing an extension.~~

22 **Sec. 2. 39-A MRSA §213, sub-§1-B**, as enacted by PL 2011, c. 647, §8, is
23 repealed.

24 **SUMMARY**

25 Current law limits to 520 weeks the duration of workers' compensation benefits for
26 partial incapacity due to injuries occurring on or after January 1, 2013. This bill removes
27 that durational cap.