

# MAINE STATE LEGISLATURE

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TAC  
ROS

L.D. 1430

Date: 6-8-21

(Filing No. H-478)

**MAJORITY**  
**LABOR AND HOUSING**

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**STATE OF MAINE**  
**HOUSE OF REPRESENTATIVES**  
**130TH LEGISLATURE**  
**FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1046, L.D. 1430, "An Act Regarding the Waiting Period for Compensation for Incapacity To Work under the Maine Workers' Compensation Act of 1992"

Amend the bill in section 1 in §204 in subsection 1 by striking out all of paragraph B (page 1, lines 12 to 16 in L.D.) and inserting the following:

'B. "Employee of a state mental health institute" means an employee of a program or service under Title 22-A, section 203, subsection 1, paragraph B or C who works at a state mental health institute under Title 22-A, section 208.'

Amend the bill in section 1 in §204 in subsection 1 by striking out all of paragraph C (page 1, lines 17 to 19 in L.D.) and inserting the following:

'C. "Firefighter" has the same meaning as in section 328-B, subsection 1, paragraph C.'

Amend the bill in section 1 in §204 in subsection 1 by striking out all of paragraph D (page 1, lines 20 and 21 in L.D.).

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

**SUMMARY**

This amendment, which is the majority report of the committee, allows employees of a state mental health institute to receive compensation from the date of incapacity under the Maine Workers' Compensation Act of 1992. The amendment removes language included in the bill that requires an employee of a state mental health institute to be incapacitated because of an infectious disease or an assault by a resident of the institute in order to receive compensation from the date of incapacity.

**FISCAL NOTE REQUIRED**

(See attached)

**COMMITTEE AMENDMENT**



Approved: 05/25/21 *MRC*

# 130th MAINE LEGISLATURE

LD 1430

LR 574(02)

## An Act Regarding the Waiting Period for Compensation for Incapacity To Work under the Maine Workers' Compensation Act of 1992

Fiscal Note for Bill as Amended by Committee Amendment *ACH 478*)

Committee: Labor and Housing

Fiscal Note Required: Yes

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### Fiscal Note

Potential current biennium cost increase - Worker's Compensation Management Fund

Potential future biennium cost increase - All Funds

Potential current biennium cost increase - local units of government

### Fiscal Detail and Notes

Under current worker's compensation law, with the exception of firefighters, employees that are temporarily incapacitated are not compensated for the first 7 days of incapacity. However, if the incapacity extends for 14 days or more, the employee is entitled to compensation dating back to the date of the incapacity.

Providing that certain employees of the State whose place of employment is a correctional facility or a state mental health institute receive compensation from the initial date of their incapacity may result in increased worker's compensation costs to the Worker's Compensation Management Fund within the Department of Administrative and Financial Services beginning in fiscal year 2021-22. The impact to the fund will depend on actual experience.

This provision may also increase costs to the Department of Corrections, the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center from increased worker's compensation premiums. The State, as a self-insured entity, charges each state agency a premium rate that is built into the cost associated with each position with an agency. That rate is based on the actual claims experience of each agency and is averaged over a three-year period. The future impact to the premium rate to these 3 state agencies will be based on actual experience.

Including certain employees of a county or municipality whose place of employment is a county or municipal detention facility under this provision will increase worker's compensation costs to these local units of government. Again, the impact will depend on actual experience.