

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
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electrical energy shall include capacity. All resales of electric energy under this section shall be on a nonprofit basis without preference or discrimination, and may include, subject to the approval of the Governor, costs incurred by the commission in its negotiating, contracting and purchasing activities under this section. In the case where no purchase-sale agreement is made, the Governor shall be responsible for proposing a method of paying the costs he has approved in conjunction with the negotiations. The commission may resell purchased energy or capacity under this section to electric utilities operating outside of the State if the resale is reasonably incidental to the resale of power within the State. In addition, the commission may contract for the transmission of energy purchased under this section to the place of resale, and shall have all implied and incidental powers which are reasonably necessary and proper to enable it to carry out the purpose of this section. No electric company may refuse to transmit energy purchased under this section via its facilities at reasonable rates if it has capability to transmit the energy.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 22, 1981

CHAPTER 483

S. P. 225 — L. D. 613

AN ACT to Stabilize the Maximum Weekly Benefits under the Workers' Compensation Act.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, on July 1, 1981, the maximum weekly benefits payable under the Workers' Compensation Act will be increased relative to 200% of the state average weekly wage; and

Whereas, the stabilization contemplated by this bill would negate that increase; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 39 MRSA § 54, first ¶, as last amended by PL 1975, c. 493, § 1, is further amended to read:

While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to $\frac{2}{3}$ his average gross weekly wages, earnings or salary, but not more than $166\frac{2}{3}\%$ of the average weekly wage in the State of Maine as computed by the Employment Security Commission; ~~$133\frac{1}{3}\%$ of such average weekly wage as of July 1, 1977; $166\frac{2}{3}\%$ of such average weekly wage as of July 1, 1979; and 200% of such average weekly wage as of July 1, 1981;~~ nor less than \$25 weekly; and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury. In the following cases it shall, for the purposes of this Act, be conclusively presumed that the injury resulted in permanent total incapacity; the total and irrevocable loss of sight of both eyes, the loss of both hands at or above the wrist, the loss of both feet at or above the ankle, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the arms or legs or an injury to the skull resulting in incurable imbecility or insanity. In the event of such permanent total incapacity, the employer shall pay the employee a weekly compensation equal to $\frac{2}{3}$ his average gross weekly wage, earnings or salary, but not more than $166\frac{2}{3}\%$ of the average weekly wage in the State of Maine as computed by the Employment Security Commission; ~~$133\frac{1}{3}\%$ of such average weekly wage as of July 1, 1977; $166\frac{2}{3}\%$ of such average weekly wage as of July 1, 1979; and 200% of such average weekly wage as of July 1, 1981;~~ nor less than \$25 weekly; and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury. If the ~~said~~ totally incapacitated employee dies, as a result of this injury, leaving dependents who were dependent upon his earnings at the time of his injury, then payments shall be made to ~~said~~ the dependents in accordance with the procedures established by section 58.

Sec. 2. 39 MRSA § 55, as last amended by PL 1975, c. 493, § 2, is further amended to read:

§ 55. Compensation for partial incapacity

While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to $\frac{2}{3}$ the difference, due to ~~said~~ the injury, between his average gross weekly wages, earnings or salary before the injury and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than $166\frac{2}{3}\%$ of the average weekly wage in the State of Maine as computed by the Employment Security Commission; ~~$133\frac{1}{3}\%$ of such average weekly wage as of July 1, 1977; $166\frac{2}{3}\%$ of such average weekly wage as of July 1, 1979; and 200% of such average weekly wage as of July 1, 1981;~~ and such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury.

Sec. 3. 39 MRSA § 58, first ¶, as last amended by PL 1975, c. 770, § 217, is further amended to read:

If death results from the injury, the employer shall pay the dependents of the employee, dependent upon his earnings for support at the time of his injury, a weekly payment equal to 2/3 his average gross weekly wages, earnings or salary, but not more than 166 2/3% of the average weekly wage in the State of Maine as computed by the Employment Security Commission; ~~133 1/3% of such average weekly wage as of July 1, 1977; 166 2/3% of such average weekly wage as of July 1, 1979, and 200% of such average weekly wage as of July 1, 1981;~~ nor less than \$25 weekly; from the date of death, until such time as provided for in the following paragraph. Such weekly compensation shall be adjusted annually on July 1st so that it continues to bear the same percentage relationship to the average weekly wage in the State of Maine as computed by the Employment Security Commission, as it did at the time of the injury.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 22, 1981

CHAPTER 484

H. P. 834 — L. D. 1001

AN ACT Establishing the Bonding and Excess Insurance Requirements for Self-insuring Workers' Compensation Employers.

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

Sec. 1. 24-A MRSA § 4435, sub-§ 8, as enacted by PL 1979, c. 658, § 4, is amended to read:

8. **Insurer.** "Insurer" means any insurer as defined in Title 24-A section 4 and ~~any group self insurer as defined by Title 39, section 23.~~

Sec. 2. 39 MRSA § 23, sub-§ 2, as last amended by PL 1979, c. 577, § 1, is further amended by adding at the end a new paragraph to read:

Notwithstanding any provision of this section or chapter, any bond or security deposit required of a public employer which is a self-insurer shall not exceed \$50,000, provided that such public employer has a net worth equal to or in excess of \$25,000,000 and a state-assessed valuation equal to or in excess of \$300,000,000. "Public employer" includes the State, the University of Maine, counties, cities and towns.