

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON  
LABOR AND HOUSING**

August 2019

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**STAFF:**

DEIRDRE SCHNEIDER, LEGISLATIVE ANALYST  
COLLEEN MCCARTHY REID, SR. LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla/>

\*Committee member for a portion of the session

# STATE OF MAINE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 129<sup>th</sup> Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Labor and Housing*

a result of the change in the rate of penalty for qualified members.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**LD 1203      An Act To Clarify the Retirement Presumption under the Maine Workers' Compensation Act of 1992      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

Once an individual receiving workers' compensation benefits retires and is receiving retirement benefits, there is a presumption that the individual is no longer eligible for workers' compensation benefits related to loss of earnings or earning capacity. Under current law, this presumption may be rebutted by evidence that the individual is unable to perform suitable work because of the work-related disability.

This bill lowers the evidentiary burden on the retired individual collecting workers' compensation benefits by providing that evidence that the individual's retirement was due at least in part to a work-related disability is sufficient to continue eligibility for workers' compensation benefits related to loss of earnings or earning capacity.

**LD 1204      An Act To Eliminate the Cap on Weekly Benefits in Workers' Compensation Cases      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

Current law caps the weekly benefit payable under the laws governing workers' compensation to a maximum amount set in statute or a percentage of the state average weekly wage, whichever is higher. This bill eliminates the cap on the weekly benefits.

While LD 1204 was voted "Ought Not to Pass," a provision increasing the cap for weekly benefits to a maximum of 125 percent of the state average weekly wage for an injury occurring on or after January 1, 2020, was included in LD 756, An Act To Improve the Maine Workers' Compensation Act of 1992. See LD 756, which was enacted as Public Law 2019, chapter 344.

**LD 1205      An Act To Allow Full Retirement Benefits under the Maine Workers' Compensation Act of 1992      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill strikes the provisions of law that require an employer to offset an individual's workers' compensation benefits based on retirement or pension benefits being received by that individual. It also clarifies the law to avoid the interpretation of the Maine Supreme Court in *Urrutia v. Interstate Brands International*, 2018 ME 24, 179 A.3d 312, which allowed an employer to take a credit for past overpayments, due to the employer's failure to take an allowable offset of benefits, by reducing the employer's ongoing payments of workers' compensation benefits.