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LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 175, L.D. 443, Bill, “An Act To Amend the Maine Workers' Compensation Act of 1992 To Provide Benefits to Seriously Injured Workers”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 39-A MRSA §213, sub-§1-B, as enacted by PL 2011, c. 647, §8, is repealed and the following enacted in its place:

1-B. Long-term partial incapacity; date of injury on or after January 1, 2013.
While the employee's demonstrated earning capacity after the exhaustion of benefits under subsection 1, paragraph B is 70% or less than the employee's earnings at the time of injury and the employee is working within the employee's documented capacity, the employer shall pay 2/3 of the difference between the employee's average weekly wage at the time of injury and the employee's postinjury wage, but not more than the maximum benefit under section 211. Compensation under this subsection must be paid at a fixed rate and is reviewable no more frequently than every 2 years.

While the employee is claiming or receiving extended partial incapacity benefits under this subsection, the employee shall complete and provide quarterly employment status reports and provide copies of current tax returns as early as practicable after the return is filed.

Sec. 2. 39-A MRSA §214, sub-§1, ¶F is enacted to read:

F. If the employee is not working and has performed a work search sufficient for the receipt of unemployment benefits as required by the Department of Labor, a rebuttable presumption is created that the employee is entitled to receive a weekly compensation amount equal to the amount permitted for total incapacity under section 212. This presumption may be rebutted only by a showing that the employee has received a bona fide offer of reasonable employment and refused that offer without good and reasonable cause.

COMMITTEE AMENDMENT

