Maine Legislative Update
MAY 2019

Issues Update:
The majority report on LD 756, “An Act To Improve the Maine Workers’ Compensation Act of 1992,” the omnibus workers’ compensation bill, supported by all of the Democrats in the committee, is a calamity for Maine employers. The majority report does the following:

• Extends the cap on benefits from 520 weeks (10 years) to 624 weeks (12 years).
• Reduces the specific level of permanent impairment from 18% to 12% after benefits have been exhausted.
• Requires a cost-of-living adjustment (COLA) to be applied in cases of total incapacity after 260 weeks of benefits.
• Requires a COLA to be applied in cases of partial incapacity after 520 weeks of benefits if the employee has a permanent impairment of 12% or greater.
• Increases the maximum benefit level from 100% to 125% of the state average weekly wage for an injury.
• Allows the inclusion of fringe benefits in the calculation of 125% of the average weekly wage.
• Changes the notice of injury requirement from 30 days to 90 days.
• Adds an exception for “mistake of fact or act of God” to the requirement that the first payment must be made by an employer within 14 days after notice of injury or death.
• Creates a new category of beneficiary for parents of the deceased employee who has no dependents.
• Caps the maximum percentage of attorneys’ fees at 10% in a lump-sum settlement.
• Requires an administrative law judge to review settlements if any amount is for past due benefits; retroactive benefits must not be for more than what the employee is claiming.
• Directs the Workers’ Compensation Board to study the advocate program and report back to the legislature.
• Creates a working group to review work search and vocational rehabilitation requirements and protections for workers whose employers have not secured workers’ compensation payments, and report their findings back to the legislature.

Costs will skyrocket due to these changes. The RLDAM is part of a coalition working with Governor Mills on a compromise amendment.

Questions?
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