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Date: (Filing No. S- )

**LABOR AND HOUSING**

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**STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 767, L.D. 1896, “An Act to Index Workers' Compensation Benefits to the Rate of Inflation”

Amend the bill by striking out the title and substituting the following:

**'Resolve, Directing the Workers' Compensation Board to Analyze Data on the Adequacy of Certain Maine Workers' Compensation Benefits'**

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

**'Sec. 1. Workers' Compensation Board to identify and conduct an analysis of claims and payments. Resolved:** That the Workers' Compensation Board, referred to in this resolve as "the board," using data supplied by insurers, 3rd-party administrators, group self-insurers and individual self-insured employers, shall identify and analyze the compensation and benefits provided to an individual claimant pursuant to the Maine Revised Statutes, Title 39-A, section 212 for total incapacity, section 213 for partial incapacity and section 215 for death and any other relevant data and available reports. For each claimant, the analysis must include, but is not limited to, data and reports relating to the following components:

1. The claim identification number assigned by the board;
2. The claim identification number assigned by the insurer, 3rd-party administrator, group self-insurer or individual self-insured employer;
3. The date of injury;
4. The average weekly wage;
5. The compensation rate;
6. For a claimant pursuant to Title 39-A, section 212, the number of weeks of compensation and benefits paid;
7. For a claimant pursuant to Title 39-A, section 213, the number of weeks of compensation and benefits paid and the number of weeks for which the benefit was 100% partial;

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1 8. For a claimant pursuant to Title 39-A, section 215, the number of weeks of  
2 compensation and benefits paid;

3 9. The date the last payment was made and whether payments are continuing;

4 10. The total amount of indemnity benefits paid; and

5 11. Any other information the board determines necessary to complete the analysis.

6 In analyzing each data component, the board shall consider the accuracy of the data  
7 available; how the benefit amount compares to the current cost of living as determined by  
8 the United States Department of Labor, Bureau of Labor Statistics CPI-U for the New  
9 England Division; the cost of updating the annual adjustment provision in Title 39-A,  
10 section 212; and the cost of implementing a cost-of-living adjustment provision in sections  
11 213 and 215.

12 **Sec. 2. Updates; report; legislation. Resolved:** That the board, within existing  
13 resources, shall provide monthly updates to the joint standing committee of the Legislature  
14 having jurisdiction over workers' compensation matters on the identification of data and  
15 reports and the analysis conducted under section 1. No later than August 16, 2025, the  
16 board shall submit a final report to the committee with its findings, recommendations and  
17 suggested legislation. The report must include:

18 1. A thorough analysis of the data and reports that were considered, identification of  
19 data or other areas that require further study and recommendations on any changes or  
20 adjustments to workers' compensation benefits in order to ensure claimants are receiving  
21 adequate benefits;

22 2. A thorough analysis of whether the Maine Workers' Compensation Act of 1992  
23 provides substantial protection for workers who have suffered work-related injuries and  
24 diseases at an affordable cost to employers, including whether the workers' compensation  
25 system can provide the income support that injured workers require as a result of their  
26 injuries at a cost no greater than the median cost in other states; and

27 3. Information regarding the retroactive application of workers' compensation  
28 legislation based on the analysis under this resolve and an evaluation of the costs of  
29 potential retroactive application.

30 The committee may report out legislation to the 132nd Legislature in 2026 related to  
31 the subject matter of the report.'

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

## 34 SUMMARY

35 This amendment is the majority report of the committee. The amendment replaces the  
36 bill with a resolve directing the Workers' Compensation Board to collect data from insurers,  
37 3rd-party administrators, group self-insurers and self-insured employers and to analyze that  
38 data to make recommendations to the joint standing committee of the Legislature having  
39 jurisdiction over workers' compensation matters on the adequacy of workers' compensation  
40 benefits to claimants under the Maine Revised Statutes, Title 39-A, sections 212, 213 and  
41 215.

1           The amendment also requires the board to provide monthly updates to the joint standing  
2 committee of the Legislature having jurisdiction over workers' compensation matters and  
3 submit a final report no later than August 16, 2025.

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**FISCAL NOTE REQUIRED**  
**(See attached)**