Amend the bill by striking out all of section 7 and inserting the following:

'**Sec. 7. 39-A MRSA §213, sub-§1-B** is enacted to read:

1-B. Long-term partial incapacity; date of injury on or after January 1, 2013. After the exhaustion of benefits under subsection 1, paragraph B, if the employee is working and the employee's earnings, as measured by average weekly earnings over the most recent 26-week period documented by payroll records or tax returns, are 70% or less of the preinjury average weekly wage, the employer shall pay weekly compensation equal to 2/3 of the difference between the employee's average weekly wage at the time of the 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.

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.

An order authorizing benefits under this subsection is not subject to review sooner than 2 years from the issuance of the order.'

SUMMARY

This amendment makes changes to the provisions in the bill regarding long-term partial incapacity for employees whose date of injury is on or after January 1, 2013. This amendment removes language limiting benefits to situations in which the whole person permanent impairment resulting from the injury is in excess of 25%. In addition, the bill provides that if the employee's earnings are 50% or less than the preinjury average weekly wage, the employer shall pay compensation; this amendment changes the percentage to 70% or less. This amendment removes language requiring the employee's actual earnings to be commensurate with the employee's earning capacity and requiring the employee to have earnings from employment for a period not less than 24 months prior to the expiration of the 520-week durational limit. Finally, this amendment provides that an order authorizing these benefits is not subject to review sooner than 2 years from the issuance of the order.

FISCAL NOTE REQUIRED
(See attached)