

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Create Fairness by Reinstating the Cost-of-living Adjustment for Workers' Compensation Benefits

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 39-A MRSA §212, sub-§4 is enacted to read:

4. Annual adjustment. Beginning on the 3rd anniversary of the injury, weekly compensation under this section must be adjusted annually. The adjustment is equal to the actual percentage increase or decrease in the state average weekly wage, as computed by the Department of Labor, for the previous year or 5%, whichever is less.

The annual adjustment must be made on the 3rd and each succeeding anniversary date of the injury, except that when the effect of the maximum under section 211 is to reduce the amount of compensation to which the claimant would otherwise be entitled, the adjustment must be made annually on July 1st.

Sec. 2. 39-A MRSA §213, sub-§5 is enacted to read:

5. Annual adjustment. Beginning on the 3rd anniversary of the injury, weekly compensation under this section must be adjusted annually. The adjustment is equal to the actual percentage increase or decrease in the state average weekly wage, as computed by the Department of Labor, for the previous year or 5%, whichever is less.

The annual adjustment must be made on the 3rd and each succeeding anniversary date of the injury, except that when the effect of the maximum under section 211 is to reduce the amount of compensation to which the claimant would otherwise be entitled, the adjustment must be made annually on July 1st.

SUMMARY

This bill establishes cost-of-living adjustments for workers' compensation benefits. Prior to the 1992 revision of the laws governing workers' compensation, benefits for total incapacity were adjusted annually based on the percentage increase or decrease in the state average weekly wage.