

## **L.D. 1964**

### **An Act to Implement the Recommendations of the Commission to Develop a Paid Family Medical Leave Benefits Program**

Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor & Housing:

The paid family and medical leave (“PFML”) benefits program in L.D. 1964 contains a section addressing when PFML benefits must be reduced. Specifically, § 850-C (5) (page 7, lines 37-41 and page 8, lines 1-2) provides that weekly PFML benefit must be reduced by the amount of wage replacement received pursuant to “workers’ compensation under Title 39-A other than for permanent partial disability incurred prior to the family leave or medical leave claim . . .”

The phrase “permanent partial disability” is not used in Maine and is, therefore, not defined by the Workers’ Compensation Act (Title 39-A). Use of this phrase will lead to uncertainty regarding which workers’ compensation wage replacement benefits must be used to reduce the weekly PFML benefit.

For the sake of clarity, wage replacement benefits under the Workers’ Compensation Act can be paid under one of three sections:

- 39-A M.R.S.A. § 212: Total incapacity benefits;
- 39-A M.R.S.A. § 213: Partial incapacity benefits; and,
- 39-A M.R.S.A. § 215: Death benefits. If an employee dies as the result of a work-related injury, the employee’s dependents are entitled to receive wage replacement benefits.

I am happy to try and answer any additional questions you may have regarding the Workers’ Compensation Act.

Sincerely,

John C. Rohde

Executive Director, State of Maine Workers' Compensation Board