

Testimony in Opposition to LD 1430  
*An Act Regarding the Waiting Period for Compensation for Incapacity to Work under the Maine  
Workers' Compensation Act of 1992*

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Presented by Elizabeth Brogan

Senator Hickman, Representative Sylvester and members of the Joint Committee on Labor and Housing, my name is Elizabeth Brogan and I am the Executive Director of the Workers' Compensation Coordinating Council and Maine Council of Self-Insurers. I appear before you today in opposition to LD 1430.

This bill would change Maine's long-established waiting period for workers' compensation indemnity benefits by adding two new groups of public employees to the already-exempted firefighters—those at correctional facilities (no matter their particular job or injury) and state mental health institute workers who are assaulted by a resident or who suffer from a broad range of infectious disease.

A waiting period for lost-time benefits is a standard feature of workers' compensation statutes across the United States. Although medical treatment is covered immediately, short periods of lost time for relatively minor injuries are not compensated with weekly benefits, while weekly wage loss benefits for more serious injuries are assured. While there are state-by-state differences, particularly in the length of the waiting period (the number of days of lost time before wage loss benefits kick in) and the so-called retroactive period (the number of days of lost time after which *all* lost time during the waiting period is retroactively compensated), Maine's seven-day waiting period and 14-day retroactive period are fairly common. *Uncommon* is Maine's exemption of firefighters from the waiting period, a feature shared with New Jersey. I have not found any other state with an exemption from the waiting period for correctional workers and state mental health institute workers. Absent some recent legislative development elsewhere, it appears this bill would make Maine first-in-the-nation in its expansion of an already extremely rare select-public-employee exemption from the waiting period.

Like the various presumption bills considered this session, this bill would create special privileges for certain groups of public employees under the Workers' Compensation Act, another step toward what would become a two-tier system of benefits to be paid for by the state, counties and municipalities—and ultimately by taxpayers. Special benefits for certain groups of employees, as in the form of expanded presumption laws, and now these proposed exemptions from the waiting period, will create a less equal system and encourage a proliferation of similar bills benefiting other groups. The Maine Workers' Compensation Act should provide a fair system for *all* of Maine's workers and employers, not one system for the public sector and another for everyone else.

For these reasons, I urge the committee to vote "ought not to pass" on LD 1430.