

## ESIS Workers Compensation Legislative Update: Maine

### Changes to Maine Workers Compensation Statute

#### Effective September 19, 2019

Please be advised that Maine Governor Janet Mills signed into law a workers compensation bill, L.D. 756, which makes several changes to the rules pertaining to the timing of injury reporting, workers compensation payments, penalties for late payments, coordination of benefits, and workers compensation benefits themselves.

Some of the highlights of the legislation are as follows:

#### Effective as of September 19, 2019

##### §205(2) Time of Payment:

- Clarifies that there is an exception to the 14 day requirement for initial benefit payment if the failure to pay is due to "an act of God or a mistake of fact or to unavoidable circumstances."
- If after 14 days of notice or knowledge of the injury, the employer has not filed a notice of controversy, payments shall commence.
- The employer may discontinue payments and file a notice of controversy within 45 days of notice of the injury.
- The employer may cease payments and file notice of controversy no later than 45 days after the employer has notice or knowledge of injury or death. Payments can be made without prejudice and if so, do not constitute a payment scheme. No discontinuance required.

##### § 221 (3)(H) Coordination of Benefits:

- The employer can reduce payments by the amount for paid time off (PTO) pursuant to qualified employer PTO plan. PTO cannot be used to offset if the employer mandates paid time off or it is paid upon separation from employment.
- 

#### For injuries sustained on or after January 1, 2020:

##### § 301 Notice:

- Employees must give notice within 60 days (formerly 30 days – 1/1/13-12/31/19)

##### § 102(4)(H) Fringe Benefits:

- The limit on inclusion of fringe benefits increased from two-thirds of 100% of the state average weekly wage to two thirds of 125% of the state average weekly wage.

##### § 211 Maximum Benefits Level:

- The Maximum Benefits Level increases from 100% to 125% of state average weekly wage.

*The information contained in this update is provided for informational purposes only and is not provided as a substitute for advice from legal counsel regarding the content or interpretation of any law, regulation or judicial opinion, nor is it a substitute for advice from legal counsel regarding appropriate compliance measures concerning any law, regulation or judicial opinion. Organized in 1953, ESIS, Inc. (ESIS) provides customized risk management services. ESIS is a Chubb company. Chubb is the marketing name used to refer to subsidiaries of Chubb Limited providing insurance and related services. For a list of these subsidiaries, please visit our website at [www.chubb.com](http://www.chubb.com). Chubb is the world's largest publicly traded property and casualty insurance group. With operations in 54 countries, Chubb provides commercial and personal property and casualty insurance, personal accident and supplemental health insurance, reinsurance, life insurance and related services to a diverse group of clients. Chubb Limited, the parent company of Chubb, is listed on the New York Stock Exchange (NYSE: CB) and is a component of the S&P 500 index. Additional information about Chubb can be found at [www.chubb.com](http://www.chubb.com). Additional information about ESIS, Inc. and its products and services can be found at [www.esis.com](http://www.esis.com).*

Have more questions?

For more information on the Maine Workers Compensation bill, please contact your Partnership Leader or visit the website for the [Maine Legislature](#).