

**§823. Compensation for injuries received in line of duty**

All members of the emergency management forces are deemed to be employees of the State while on, preparing for or training for emergency management duty. They have all the rights given to state employees under the former Maine Workers' Compensation Act or the Maine Workers' Compensation Act of 1992. All claims must be filed, prosecuted and determined in accordance with the procedure set forth in the Maine Workers' Compensation Act of 1992. [PL 2013, c. 146, §16 (AMD).]

**1. Average weekly wage.** In computing the average weekly wage of any claimant under this section, the average weekly wage must be taken to be the earning capacity of the injured person in the occupation in which the injured person is regularly engaged. [PL 1995, c. 462, Pt. A, §72 (AMD).]

**2. Setoff.** Any sums payable under any act of Congress or other federal program as compensation for death, disability or injury of emergency management workers must be considered with the determination and settlement of any claim brought under this section. When payments received from the Federal Government are less than an injured member would have been entitled to receive under this section, the injured member is entitled to receive all the benefits to which the injured member would have been entitled under this section, less the benefits actually received from the Federal Government. [PL 2001, c. 614, §22 (AMD); PL 2001, c. 662, §90 (AMD).]

**SECTION HISTORY**

PL 1983, c. 460, §3 (NEW). PL 1995, c. 462, §A72 (AMD). PL 2001, c. 614, §§21,22 (AMD). PL 2001, c. 662, §§89,90 (AMD). PL 2003, c. 510, §A38 (AMD). PL 2013, c. 146, §16 (AMD).

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