

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1964, Title 3 Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1971

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

approved to receive federal financial assistance under the Land and Water Conservation Fund Act of 1965, P. L. 88-578, as amended, the commission may make a supplemental grant from the Municipal Recreation Fund to said municipality of up to 40% of the approved project costs. The commission shall be responsible for administering any and all moneys made available to the fund.

Effective September 23, 1971

Chapter 417

AN ACT Relating to Transfer to Suitable Work During Rehabilitation or Treatment Under Workmen's Compensation Law.

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

R. S., T. 39, § 66-A, additional. Title 39 of the Revised Statutes is amended by adding a new section 66-A to read as follows:

§ 66-A. Transfer to suitable work during period of treatment or rehabilitation.

Where an employee has suffered a compensable injury which disables him from performing his customary or most recent work, his employer at the time of such injury shall transfer him to work suitable to his physical condition where such work is available, during the time that the employee is subjected to medical treatment or rehabilitation, or both, and until such treatment is discontinued on the advice of the physician conducting the same or of the therapist in charge of the rehabilitation program or until the employee has reached the maximum level of rehabilitation for such worker in the judgment of the commission under all of the circumstances, whichever period is the longest. The commission shall, after making due inquiry, upon the request of an employee claiming to be unable to perform his customary or most recent work because of physical incapacity resulting from an injury or disease, require that the injured workman be removed from work detrimental to his health and be assigned to other work in the employer's establishment, if available. The exercise of this authority shall not conflict with any provision of a collective bargaining agreement between such employer and a labor organization which is the collective bargaining representative of the unit of which the injured workman is a part, if such agreement grants the injured employee greater rights than are provided in this section.

Effective September 23, 1971

Chapter 418

AN ACT Relating to Claims for Benefits under the Employment Security Law.

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

R. S., T. 26, § 1194, sub-§ 3, amended. The 2nd sentence of subsection 3 of section 1194 of Title 26 of the Revised Statutes is amended to read as follows:

The parties shall be then duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the commission, unless within 15 days after the date of notification or mailing of such decision, ~~further appeal is initiated pursuant to subsection 5~~ the claimant and employer may appeal to the commission by filing an appeal in accordance with such rules as the commission shall prescribe provided that the appealing party appeared at the hearing and was given notice of the effect of the failure to appear in writing prior to the hearing.

Effective September 23, 1971

Chapter 419

AN ACT Relating to Benefits Erroneously Received under Employment Security Law.

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

R. S., T. 26, § 1051, sub-§ 5, amended. Subsection 5 of section 1051 of Title 26 of the Revised Statutes is amended to read as follows:

5. **Refusal to repay erroneous payments.** If, after due notice, any person refuses to repay amounts erroneously paid to him as unemployment benefits, the amount due from such person may be collected by a civil action ~~with account annexed~~ brought in the name of the commission or in the discretion of the commission the amount erroneously paid to such person may be deducted from any future benefits payable to him under this chapter. **Provided** that the commission, upon review of such overpayment, may in its discretion waive the amount of overpayment, if it finds that the payment was not due to fraud, misrepresentation or willful nondisclosure and that recipient was without fault and that its recovery would be against equity and good conscience.

Effective September 23, 1971

Chapter 420

AN ACT Relating to Workmen's Compensation Pending a Review of Incapacity.

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

R. S., T. 39, § 100, amended. Section 100 of Title 39 of the Revised Statutes as repealed and replaced by section 10 of chapter 408 of the public laws of 1965 and as amended by chapter 309 of the public laws of 1969, is further amended by adding at the end the following paragraph:

If, following resumption of work by the employee, the employer has paid compensation prior to the time of filing a petition for review with a certificate that the employee has resumed work, and after hearing the commissioner finds that such petition was properly filed and decrees that compensation cease, any overpayment may be recovered from the employee in a legal action brought by the employer.

Effective September 23, 1971