

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1353

S. P. 394

In Senate, April 4, 1977

Referred to the Committee on Labor. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Merrill of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Permit Trial Work Periods under the Workmen's Compensation Statutes.

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

39 MRSA § 100-A is enacted to read:

§ 100-A. Orders or agreements for trial work periods

The Industrial Accident Commission may approve an agreement of the parties to a trial work period at a specified job for a period not to exceed 3 months. During such trial work period and the payment of wages therefor, the payment of compensation under decree or approved agreement may be suspended. Such suspension shall cease and weekly compensation shall be restored in the amount being paid prior to the commencement of the trial work period immediately upon the filing of a petition by the employee stating that he has attempted a trial work period and was unable to adequately perform during the same. No evidence shall be admissible in any proceeding concerning the employee on a petition for review, a petition for further compensation or a petition for permanent impairment which is adverse to that employee relating to a trial work period or matters occurring during the course of the trial work period.

STATEMENT OF FACT

Many workmen's compensation claimants want to return to their old jobs even though they are unsure whether or not they are recovered enough to do

them. If, after going back to work, they find they cannot do their job, they must quit their job. They also find that by returning to work, they have lost their workmen's compensation benefits. There should be a way of letting a claimant try working at his old job without penalizing him if he finds he cannot do it.

This bill will permit a workmen's compensation claimant to go back to work for a trial period with the agreement of the employer and with the approval of the Industrial Accident Commission. This trial period would be for a period of up to 3 months, and would permit the claimant to earn his normal wage, while at the same time suspending the payment of workmen's compensation benefits to him. If, at the end of the trial period, the claimant found he could not adequately perform the work, then he would revert to his previous status of being a workmen's compensation claimant.