

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 368

S. P. 164

In Senate, February 7, 1979

Referred to the Committee on Labor. Sent down for concurrence and 1,800 ordered printed.

Presented by Senator Pray of Penobscot.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

**AN ACT to Encourage Retraining of Handicapped Workers.**

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

**Sec. 1.** 39 MRSA § 52, 3rd ¶, as last amended by PL 1977, c. 437, § 2, is further amended by adding at the end the following new sentence:

**The employer, carrier or their counsel shall serve upon the employee or opposing counsel, within 7 days of the receipt by the employer, carrier or counsel, complete copies of any medical reports or statements relating to any treatment or examination alleged by the employee or his counsel to be covered by this section.**

**Sec. 2.** 39 MRSA § 52, 5th ¶, first sentence, as amended by PL 1977, c. 278, § 1, is further amended to read:

Whenever, because of the nature of such injury or the subsequent condition of the employee following such injury, it appears that vocational or educational rehabilitation ~~is necessary and desirable to restore the injured employee to gainful employment~~ **would materially assist the employee in regaining the earning capacity that he possessed before his injury**, the employee shall be entitled to reasonable and proper rehabilitation service for a period not exceeding 52 weeks, which period may be extended for a further period not to exceed another 52 weeks if such extended period is found to be necessary and proper by any member of the commission.

**Sec. 3. 39 MRSA § 52**, as last amended by PL 1977, c. 696, § 405, is further amended by adding after the 5th paragraph the following new paragraph:

**If the Workers' Compensation Commission determines that an employee engaging in any program of vocational or educational rehabilitation requires financial support during the rehabilitation, it shall award the employee compensation for total incapacity until rehabilitation has been completed.**

#### STATEMENT OF FACT

This bill has 3 purposes. First, it proposes to give financial support to those employees qualified for rehabilitation programs. It is believed that many individuals are now unable to pursue such programs, despite the benefits they would derive, because of the need to support themselves and their families during their rehabilitation. The bill also seeks to broaden the scope of rehabilitation by emphasizing that restitution of wage-earning capacity is an important goal. Finally, the bill seeks to impose on insurance carriers and employers the same duty with respect to medical reports and statements that is presently imposed on employees and their attorneys.