

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 935**

H. P. 751

House of Representatives, March 2, 1979

On Motion of Mr. Wyman of Pittsfield, referred to the Committee on Labor.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Vincent of Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Encourage Disabled Employees to Return to Work.**

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

**39 MRSA § 100, 2nd sentence**, as amended by PL 1969, c. 309, is further amended to read:

Pending a hearing and final decision upon such petition for review, and except in such cases as the employer and employee may reach a new agreement under section 94, the payment of compensation shall not be decreased or suspended unless and until a certificate of the employer or his insurance carrier is filed with the commission stating that the employee has left the State for reasons other than returning to his permanent residence at the time of injury or that his present whereabouts are unknown, or that he has resumed work **at employment paying him at least the same average weekly wages he received at the time of his injury, adjusted for inflation. If the employee resumes work at less than the average weekly wages he received at the time of his injury, the employer shall continue to pay compensation for partial incapacity, as described in section 55, pending a final decision by the commission on the employer's petition for review of incapacity.**

**STATEMENT OF FACT**

This bill is intended to encourage injured employees to return to work by rewarding them, rather than punishing them, for finding a job. This bill is intended to eliminate the right to entirely terminate workers' compensation payments to injured employees, even though work they may obtain pays far less than the employment they held before being injured.