

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 952

S. P. 322

In Senate, March 5, 1979

Referred to the Committee on Labor. Sent down for concurrence and 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 Assist Handicapped Workers in Returning to Employment by Transfer to Suitable Work.

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

39 MRSA § 66-A, as enacted by PL 1971, c. 417, is amended to read:

§ 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~~ **or can be made available without undue hardship to the employer.** 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 **or if it can be made available without undue hardship on the employer.**

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. **The employer's failure to comply with this section constitutes a waiver of any right it may have to reduce or terminate the employee's benefits under this section.**

STATEMENT OF FACT

This bill is intended to encourage the rehiring of partially disabled employees by removing unnecessary restrictions on their return to work. It also provides a remedy for cases where the employer declines, without suitable excuse, to rehire the partially incapacitated worker.