

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-505)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 602,  
L.D. 679, Bill, "AN ACT to Assist Handicapped Workers in  
Returning to Employment."

Amend the Amendment in that part designated "§66-A." by  
striking out all of the last 2  $\leftarrow$   $\rightarrow$  paragraphs and inserting in  
their  
/ place the following:

'If any injured employee refuses to accept an offer of  
suitable work, the employer or insurer may, in addition to  
exercising any other rights it may have, file a petition for a  
reduction of benefits. If, after hearing, the commission finds  
that the employee refused to accept the offer and that the position  
offered was suitable to his physical condition, / <sup>the commission</sup> shall order  
the reduction of any weekly benefits payable under sections 54  
and 55. The reduction shall be an amount equal to the difference  
between the employee's weekly benefit and the benefit he would  
have been entitled to receive if he had accepted the offer. The  
order reducing benefits shall remain in effect only as long as  
the employee fails to accept the offer of suitable work or to  
accept other employment paying comparable wages.

If the commission determines that the employee has refused  
to accept an offer of work suitable to his physical condition,  
all or a portion of the weekly benefits paid between the time  
the offer was refused and the commission's determination shall  
be considered an overpayment. The amount of the overpayment  
shall be the difference between the employee's weekly benefits  
for that period and the weekly benefits, if any, he would have

been entitled to receive for that period if he had accepted the offer. The amount of the overpayment shall be recoverable by the employer or insurer by making deductions from future benefit payments in such amounts and over such periods as the commission may determine. If no benefits are payable, the employer or insurer may recover the amount of the overpayment by civil action.'

Statement of Fact

The purpose of this amendment is to lessen the sanction against an employee who refuses to accept a work offer. Under the committee amendment, the commission was authorized to suspend all weekly benefits. Under this amendment, employees who refuse a suitable work offer / <sup>are</sup> subjected only to a benefit reduction. That is, benefits are reduced to the level which would have been payable had the <sup>the</sup> employee accepted the offer of work.

This amendment also makes it clear that the benefit reductions apply only to weekly benefit payments under / sections 54 and 55, <sup>Title 39,</sup> not to lump sum payments for permanent impairment.

Filed by Mr. Tarbell of Bangor.  
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