

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
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5 Legislative Document

No. 1040

6  
7 H.P. 800

House of Representatives, March 4, 1983

8 On Motion of Representative Beaulieu of Portland, referred to the  
9 Committee on Labor. Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

11 Presented by Speaker Martin of Eagle Lake.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Encourage Speedy Rehabilita-  
18 tion under the Worker's Compensation Act.  
19

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

22 39 MRSA §52, 6th ¶, as amended by PL 1977, c.  
23 278, §1, is further amended to read:

24 Whenever, because of the nature of ~~such~~ the  
25 injury or the subsequent condition of the employee  
26 following ~~such that~~ injury, it appears that voca-  
27 tional or educational rehabilitation is necessary and  
28 desirable to restore the injured employee to gainful  
29 employment, the employee shall be entitled to reason-  
30 able and proper rehabilitation service for a period  
31 not exceeding 52 weeks, which period may be extended  
32 for a further period not to exceed another 52 weeks  
33 if ~~such that~~ extended period is found to be necessary  
34 and proper by any member of the commission. The 2nd  
35 52-week period may be extended for another further

1 period not to exceed an additional 52 weeks if such  
2 that further extended period is found to be necessary  
3 and proper by any member of the commission and if the  
4 employee is carrying on the same or substantially the  
5 same program as in the prior 52 weeks of rehabilita-  
6 tion service. Disabled employees who have been dis-  
7 abled for more than 3 months shall be entitled, at  
8 the expense of the employer, to reasonable rehabili-  
9 tation and evaluation and custody of resulting  
10 reports. The employee shall provide the employer  
11 with a copy of reports of these rehabilitation evalu-  
12 ations and tests. Such This vocational or educational  
13 rehabilitation service may be arranged in consulta-  
14 tion with the Division of Vocational Rehabilitation,  
15 Department of Human Services, or in cases of blind-  
16 ness with the Division of Eye Care and Special Ser-  
17 vices of the Department of Human Services, or in  
18 cases of educational rehabilitation, with the Depart-  
19 ment of Educational and Cultural Services, as pro-  
20 vided in section 106, subject to the following condi-  
21 tions and limitations.

#### 22 STATEMENT OF FACT

23 The purpose of this bill is to provide speedy re-  
24 habilitation services by providing for rehabilitation  
25 analysis and reports for injured workers disabled for  
26 more than 3 months.

27 Certainly, rehabilitation is needed, both for  
28 financial and humanitarian reasons, and must be pro-  
29 vided very soon after the injury if it is to be  
30 effective. In most cases, the resulting disability  
31 of more than 3 months is a serious incapacity with  
32 potential long-term, or at least recurring, disabil-  
33 ity. Under these circumstances, the relative small  
34 investment of rehabilitation evaluation would be of  
35 benefit to both the employee and employer. The prob-  
36 lem with private rehabilitation is that it may, under  
37 the current practice provided by the employer, be  
38 viewed as an agent of the employer and its claims ad-  
39 justment practice. This bill neutralized an injured

1 employee's skepticism toward rehabilitation by the  
2 right to chose independent rehabilitation consultants  
3 and by payment of an additional report and evalu-  
4 ation.

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