

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 305

H.P. 237 House of Representatives, February 6, 1987
Reference to the Committee on Labor suggested and ordered
printed.

EDWIN H. PERT, Clerk
Presented by Representative WILLEY of Hampden.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Relating to Trial Work Periods under
2 the Workers' Compensation Act.
3

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

6 39 MRSA §100-A, as repealed and replaced by PL
7 1985, c. 372, Pt. A, §39, is repealed and the follow-
8 ing enacted in its place:

9 §100-A. Orders or agreements for trial work periods

10 The Workers' Compensation Commission may approve
11 an agreement of the parties to a trial work period at
12 a specified job for a period not to exceed 3 months.
13 During this trial work period and the payment of
14 wages for that work, the payment of compensation un-
15 der a compensation payment scheme and all obligations

1 under subchapter III-A shall be suspended. The sus-
2 pension shall cease and weekly compensation shall be
3 restored in the amount being paid prior to the com-
4 mentence of the trial work period immediately upon
5 the filing of a petition by the employee stating that
6 he has attempted a trial work period and was unable
7 to adequately perform during the period.

8 The provisions governing restoration of benefits
9 also apply to a trial work period under section 83.

10 STATEMENT OF FACT

11 The purpose of this bill is to require a showing
12 of justification for an employee to discontinue a
13 trial work period.

14 Current law permits an employer and employee to
15 agree upon a trial work period in order to give the
16 employee an opportunity to see if he is capable of
17 performing work. Once an employee resumes work and
18 earns wages under such an agreement, his workers'
19 compensation benefits are suspended.

20 The principal problem with the current law is
21 that an employee can now decide, for any reason or
22 even at whim, to stop working. Once that decision is
23 made, the employer must immediately resume benefit
24 payments. This is so even if the employee is fully
25 capable of performing work.

26 This bill requires that employee to offer some
27 good faith justification for restoring benefits. It
28 simply requires him to file a petition stating that
29 he is not able to perform the work. Once that peti-
30 tion is filed, the employer is immediately required
31 to resume benefit payments.

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