

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 467

H.P. 348

House of Representatives, February 27, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

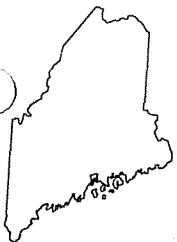
Presented by Representative RUHLIN of Brewer.

Cosponsored by Representative REED of Falmouth, Representative McHENRY of Madawaska and Senator WHITMORE of Androscoggin.

STATE OF MAINE

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

An Act Concerning Workers' Compensation Discontinuance Forms.



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

3 **39 MRSA §101-A is enacted to read:**

5 §101-A. Discontinuance forms

7 If benefits payable under section 54-B or 55-B are reduced
9 or suspended because the employee returns to work, the employer
11 shall file with the commission a certificate stating that fact
13 and serve a copy of the certificate upon the employee. The
15 employee has 20 days after receipt of the copy to notify the
17 commission that the employee disputes the facts described in the
19 certificate. If no notice of dispute is filed or if after the
21 hearing the commission finds that the employee's dispute is
23 without merit, all further payments for incapacity are governed
25 by this section. If the employee is further incapacitated by the
27 original injury and claims further benefits as a result, the
29 employee must file a petition for further compensation under
31 section 100.

23 **STATEMENT OF FACT**

25 Currently, when an employee returns to work, the employee is
27 supposed to sign a discontinuance form indicating that benefits
29 have been reduced or suspended. In a substantial percentage of
31 cases, employees refuse to sign the form. This allows the
33 employee to automatically receive additional benefits during the
35 next 10 years and the employer's only recourse is to file a
37 petition to review just as if benefits had never been suspended.
39 Such a result is inequitable. Maine is one of the few states to
41 permit such a result.

35 This bill requires a notice of discontinuance to be filed
37 with the State upon an employee's return to work notifying the
39 commission that the employer has reduced or suspended the Maine
41 Revised Statutes, Title 39, section 54-B or 55-B benefits
accordingly. There will be no requirement that this form be
signed by the employee. Employee protection is provided by a
hearing before the commission upon notice that the employee
disputes the facts contained in the form.