

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1337

S.P. 499

In Senate, March 28, 1991

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CONLEY of Cumberland  
Cosponsored by Representative RAND of Portland and Representative LUTHER of Mexico.

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STATE OF MAINE

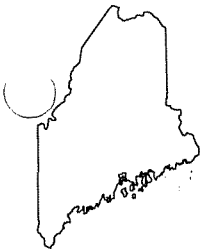
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act Concerning Eligibility for Weekly Disability Benefits.

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

2  
39 MRSA §54-B, sub-§2, as enacted by PL 1987, c. 559, Pt. B,  
4 §27, is amended to read:

6 2. **Limitation.** Any employee who has reached maximum  
7 medical improvement and is able to perform full-time remunerative  
8 work in the ordinary competitive labor market in the State,  
9 ~~regardless of the availability of~~ employee's community or within  
10 a reasonable daily commute from the employee's residence if such  
11 work is available in and around his that community or within a  
12 reasonable daily commute of that community, is not eligible for  
13 compensation under this section, but may be eligible for  
14 compensation under section 55-B. Reasonable moving and  
15 relocation expenses for employees who are retrained or  
16 rehabilitated under this Act are available as provided in section  
17 87, subsection 2. The employer has the burden of proving that an  
18 employee has the capacity and is able to obtain suitable work  
19 within a reasonable daily commute of the employee's community.  
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22  
23  
24  
**STATEMENT OF FACT**

25 Under current law, an employee who has reached maximum  
26 medical improvement and is able to perform full-time work in the  
27 ordinary competitive labor market in the State, regardless of the  
28 availability of such work in and around the employee's community,  
29 is not eligible for weekly disability benefits under the workers'  
30 compensation laws. This bill amends that law to provide that if  
31 an employee has reached maximum medical improvement and is able  
32 to perform full-time work in the labor market in the employee's  
33 community or within a reasonable daily commute and if such work  
34 is available, that employee is ineligible for weekly disability  
35 benefits under the workers' compensation laws.  
36