

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2100

H.P. 1488

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
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 LUTHER of Mexico.
Cosponsored by Representative RAND of Portland.

STATE OF MAINE

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

**An Act to Make Revisions in Workers' Compensation Employment
Rehabilitation.**



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

2 39 MRSA §86, as amended by PL 1989, c. 580, §12, is further
4 amended to read:

6 **§86. Rehabilitation priorities**

8 Alternative rehabilitation plans must be evaluated on the
10 basis of each plan's likelihood of returning the employee, to the
12 maximum extent practicable, to employment that is as similar as
14 possible to the employee's skill level and wage level at the time
16 of injury. The following priorities shall must be used in
18 evaluating alternative rehabilitation plans. Retraining may be
20 allowed within any priority. No higher numbered priority may be
22 utilized unless all lower numbered priorities have been
24 determined by the rehabilitation counselor to be unlikely to
26 result in a suitable job placement for the injured employee that
28 is consistent with the priorities listed in this section. If a
30 lower numbered priority is clearly inappropriate for the
32 employee, the next higher numbered priority shall must be
34 utilized as follows:

1. **Former job.** Return of the employee to his the
2. **Modified job.** Return of the employee to his the
3. **New job.** Return to employment with the preinjury
4. **On-the-job training with preinjury employer.** Return to
5. **New employer.** Employment with a new employer.
6. **On-the-job training with new employer.** On-the-job

24 employee's preinjury job with the same employer. The employee
26 may be retrained if necessary to achieve this return;

28 employee's preinjury job with the same employer. The tasks or
30 the workplace may be modified and the employee retrained if
32 necessary to achieve this return;

34 potential up to the skill level and wage level of the employee's
36 preinjury job. The employee may be retrained if necessary;

38 employment with the preinjury employer for on-the-job training
40 that maximizes the employee's potential up to the skill level and
42 wage level of the employee's preinjury job;

44 Retraining for a position that maximizes the employee's potential
46 up to the skill level and wage level of the employee's preinjury
48 job may be allowed if necessary;

50 training with a new employer in a position that maximizes the
employee's potential up to the skill level and wage level of the
employee's preinjury job; or

2 7. **Career retraining.** A goal-oriented period of formal
training which that is designed to lead to employment in another
4 career field and maximizes the employee's potential up to the
skill level and wage level of the employee's preinjury job.
6 Retraining may include education of the employee when appropriate.

8 **STATEMENT OF FACT**

10 The purpose of this bill is to ensure that alternative
12 rehabilitation plans for injured workers under the workers'
14 compensation laws are evaluated on the basis of each plan's
likelihood of returning the employee to employment that is as
similar as possible to the employee's skill level and wage level
at the time of injury.