

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 612

H.P. 428

House of Representatives, February 16, 2017

**An Act To Improve Vocational Rehabilitation under the Maine
Workers' Compensation Act of 1992**

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FECTEAU of Biddeford.
Cosponsored by Senator VOLK of Cumberland and
Representatives: AUSTIN of Gray, HANDY of Lewiston, MASTRACCIO of Sanford,
SYLVESTER of Portland, Senator: BELLOWS of Kennebec.

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

2 **Sec. 1. 39-A MRSA §217, sub-§8,** as enacted by PL 2011, c. 647, §14, is
3 amended to read:

4 **8. Presumption.** If an employee is actively participating in a rehabilitation plan
5 ordered pursuant to subsection 2 or entered into voluntarily with the employer, there is a
6 conclusive presumption that work is unavailable to the employee for as long as the
7 employee continues to actively participate in employment rehabilitation, and during the
8 employee's active participation in the rehabilitation plan, 100% partial incapacity benefits
9 under section 213 must be paid.

10 **SUMMARY**

11 This bill provides that if an employee is actively participating in a rehabilitation plan
12 ordered by the Workers' Compensation Board or entered into voluntarily with the
13 employer, there is a conclusive presumption that work is unavailable to the employee for
14 as long as the employee continues to actively participate in employment rehabilitation,
15 and during the employee's active participation in the rehabilitation plan, benefits must be
16 paid to the employee.