

# MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

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Legislative Document

No. 1137

S. P. 393

In Senate, March 6, 1959

Referred to the Committee on Labor. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Woodcock of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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AN ACT Relating to Second Injury Fund and Vocational Rehabilitation  
Under Workmen's Compensation Act.

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Be it enacted by the People of the State of Maine, as follows.

**Sec. 1. R. S., c. 31, § 14, repealed.** Section 14 of chapter 31 of the Revised Statutes is repealed.

**Sec. 2. R. S., c. 31, §§ 14-A - 14-C, additional.** Chapter 31 of the Revised Statutes is amended by adding 3 new sections, to be numbered 14-A to 14-C, to read as follows:

**Sec. 14-A. Second Injury Fund.**

I. If an employee who has a permanent physical impairment from any cause or origin incurs a subsequent unrelated disability by injury arising out of his employment resulting in compensation liability for permanent, partial or total disability that is substantially greater by reason of the combined effects of the pre-existing impairment and subsequent injury than that which would have resulted from the subsequent injury alone, the employer shall in the first instance pay all awards of compensation provided by this act, but such employer shall be reimbursed from the special fund created by section 14-C.

II. If the subsequent injury of such an employee shall result in the death or permanent total disability of the employee and it shall be determined that either the injury or death or permanent total disability would not have occurred except for such pre-existing permanent physical impairment, the employer shall in the first instance pay the compensation prescribed by this act but he shall be reimbursed from the special fund created by section 14-C.

III. In order to qualify under this section for reimbursement from the special fund, the employer must register with the commission, in advance of any subsequent injury, under rules prescribed by the commission, the names of his employees with a pre-existing permanent physical impairment, together with satisfactory evidence of such impairment, and for whom he may want to claim reimbursement for any compensation paid in event of a subsequent injury or death.

IV. As used in this section, "permanent physical impairment" means any permanent condition which is or is likely to be a hindrance or obstacle to obtaining employment.

Sec. 14-B. Vocational rehabilitation services.

I. In addition to the medical rehabilitation service provided under section 9, the employee shall be entitled to such vocational rehabilitation services, including retraining or job placement as may be necessary to restore him to suitable employment where he is unable to return to his former job. The commission shall have the duty of determining whether a disabled employee needs vocational rehabilitation services and shall cooperate with, and refer promptly, all cases in need of such services to the appropriate public or private agencies in this State, or where necessary, in any other state, for such services. The commission, under regulations adopted by it, shall reimburse such agencies for the cost of such services out of the special fund established under section 14-C.

II. An employee who, as a result of injury, is or may be expected to be totally or partially incapacitated for a remunerative occupation and who, under the direction of the commission, is being rendered fit to engage in a remunerative occupation, may, under regulations adopted by it, receive such additional compensation as may, in the discretion of the commission, be deemed necessary for his board, lodging, travel and other expenses and for the maintenance of his family during the period of rehabilitation. Such maintenance and other expenses shall be paid out of the special fund established under section 14-C.

Sec. 14-C. Special fund. There is established in the State Treasury a special fund for the purpose of making payments in accordance with section 14-A, subsections I and II, and section 14-B. Such funds shall be administered by the commission.

I. In every case of death of an employee under the provisions of this act where there is no person entitled to compensation, the employer shall pay to the Industrial Accident Commission the sum of \$3,000.

II. Each insurance carrier shall, annually, pay to the Industrial Accident Commission an amount equal to 1% of the gross premiums received for workmen's compensation insurance written or renewed by it during the preceding calendar year on risks within this State or subject to the jurisdiction of this State.

III. Each self-insurer shall, annually, pay to the Industrial Accident Commission an amount equal to 1% of the premium which such employer would

have had to pay to obtain workmen's compensation insurance for the preceding calendar year, or proportional year if a self-insurer has not been authorized for the full year, which amount shall be determined by the Industrial Accident Commission.

IV. Whenever the balances of such fund shall, on November 30th of any year, exceed the sum of \$100,000, the Industrial Accident Commission shall reduce or suspend the payments required under subsections II and III. The Treasurer of State shall, on November 30th of each year, notify the commission of the balance in the fund and the Industrial Accident Commission shall notify all insurance carriers and self-insurers of the balance in the fund and whether such payments are reduced or suspended.'