

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.

ROBERT B. HUNT

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:

- **Sec. 1. 39-A MRSA §217, sub-§8,** as enacted by PL 2011, c. 647, §14, is amended to read:
- **8. Presumption.** If an employee is <u>actively</u> participating in a rehabilitation plan ordered pursuant to subsection 2 <u>or entered into voluntarily with the employer</u>, there is a <u>conclusive</u> presumption that work is unavailable to the employee for as long as the employee continues to <u>actively</u> participate in employment rehabilitation, and during the employee's active participation in the rehabilitation plan, 100% partial incapacity benefits <u>under section 213 must be paid</u>.

10 SUMMARY

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