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**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 428, L.D. 612, Bill, “An Act To Improve Vocational Rehabilitation under the Maine Workers' Compensation Act of 1992”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**'Sec. 1. 39-A MRSA §217, sub-§8,** as enacted by PL 2011, c. 647, §14, is repealed.

**Sec. 2. 39-A MRSA §217, sub-§9** is enacted to read:

**9. Reduction of benefits.** If an employee is actively participating in a rehabilitation plan ordered pursuant to subsection 2, benefits may not be reduced except:

A. Under section 205, subsection 9, paragraph A, upon the employee's return to work with or an increase in pay from an employer who is paying the employee compensation under this Act;

B. Under section 205, subsection 9, paragraph B, based on the amount of actual documented earnings paid to the employee; or

C. When the employee reaches the durational limit of benefits paid under section 213.'

**SUMMARY**

This amendment replaces the bill. The amendment repeals the presumption in current law with respect to an injured employee participating in employment rehabilitation that work is unavailable to the employee under the workers' compensation laws. In place of the presumption, the amendment enacts a new provision that provides that an injured employee participating in employment rehabilitation has a right to benefits except under 3 circumstances in which benefits may be reduced: when the employee has returned to work with or received an increase in pay from the employer, when the employer has

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1 reduced benefits based on documented earnings of the employee and when the employee  
2 has reached the durational limit of partial incapacity benefits.