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.

Presented by Representative FECTEAU of Biddeford.
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 actively participating in a rehabilitation plan ordered pursuant to subsection 2 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, 100% partial incapacity benefits under section 213 must be paid.

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.