

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 658

H. P. 505

House of Representatives, January 27, 1965

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

JEROME G. PLANTE, Clerk

Presented by Mr. Ross of Bath.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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**AN ACT Relating to Workmen's Compensation Insurance.**

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

**R. S., T. 39, § 2, sub-§ 5, amended.** Subsection 5 of section 2 of Title 39 of the Revised Statutes is amended to read as follows :

**5. Employee.** "Employee" shall include officials of the State, counties, cities, towns which have accepted the provisions of this Act, water districts and all other quasi-municipal corporations of a similar character, **every duly elected or appointed executive officer of a private corporation, other than a charitable, religious, educational or other nonprofit corporation,** and every person in the service of another under any contract of hire, express or implied, oral or written, except :

**A.** Persons engaged in maritime employment, or in interstate or foreign commerce, who are within the exclusive jurisdiction of admiralty law or the laws of the United States ;

**B.** Any person whose employment is not in the usual course of the business, profession, trade or occupation of his employer. Policemen and firemen shall be deemed employees within the meaning of this Act. Employees who hire workmen within this State to work outside the State may agree with such workmen that the remedies under this Act shall be exclusive as regards injuries received outside this State by accident arising out of and in the course of such employment ; and all contracts of hiring in this State, unless otherwise specified, shall be presumed to include such agreement. Any reference to an employee who has been injured shall, when the employee is dead, include his legal representatives, dependents and other persons to whom compensation may be payable ; and

C. Elected or appointed officers performing only the regular executive duties pertaining to their offices. Notwithstanding any other provision of this Act, any charitable, religious, educational or other nonprofit corporation that may be or become an assenting employer under this Act, may cause any duly elected or appointed executive officer to be an employee of such corporation by specifically including such executive officer among those to whom such corporation secures payment of compensation in conformity with subchapter II; and such executive officer shall remain an employee of such corporation under this Act while such payment is so secured. With respect to any such corporation that secures compensation by making a contract of industrial accident insurance, specific inclusion of such executive officer in such contract shall cause such officer to be an employee of such corporation under this Act.'