

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 565

H. P. 460

House of Representatives, February 17, 1977

Referred to Committee on Labor. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Dexter of Kingfield.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Exempt Small Loggers from the Workmen's Compensation Law.

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

Sec. 1. 39 MRSA § 4, 1st sentence, as last amended by PL 1973, c. 576, § 2, is further amended to read:

Section 3 shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries, sustained by employees engaged in domestic service ~~or~~, in agriculture as seasonal or casual farm laborers or in logging operations where the employer employs 5 or fewer employees engaged in logging operations.

Sec. 2. 39 MRSA § 4, as last amended by PL 1973, c. 746, § 4, is further amended by adding after the 3rd sentence the following new sentence to read:

"Logging operations" is defined as the cutting, hauling, floating, trucking or carrying of logs, or the act of dealing in or with logs, until the time when the logs are delivered for manufacturing or processing, but does not include the cutting of fuel wood.

Sec. 3. 39 MRSA § 21, sub-§ 1, as last amended by PL 1975, c. 376, is further amended to read:

1. **Private employer.** Every private employer shall be subject to this Act and shall secure the payment of compensation in conformity with sections 21 to 27 with respect to employees other than those engaged in domestic service ~~or~~, in agriculture as seasonal or casual farm laborers, or in logging operations, as defined in section 4, where the employer employs 5 or fewer employees engaged in the logging operations, subject to the provisions hereinafter

stated, except that an employer of 4 or less farm laborers shall be excused from this requirement as to such farm laborers by maintaining coverage by an employer's liability insurance policy as provided in section 4.

Any private employer who has not secured the payment of compensation under sections 21 to 27 shall, in a civil action brought by the employee other than one engaged in domestic service ~~or~~, in agriculture as a seasonal or casual farm laborer or in logging operations, as defined in section 4, where the employer employs 5 or fewer employees engaged in the logging operations, to recover for personal injuries or death arising out of and in the course of his employment, not be entitled to the defenses set forth in section 3 and the employee of any such employer may in lieu of bringing such a civil action claim compensation from such employer under the provisions of this Act.

STATEMENT OF FACT

The purpose of this bill would provide an exemption under the Workmen's Compensation Act for logging operations' employers who employ 5 or fewer employees. The present high rate under the Act poses a large burden on small logging operations and is responsible for forcing many of them out of business.