

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1307

H.P. 976

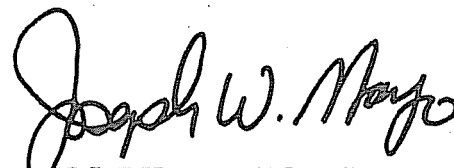
House of Representatives, April 22, 1993

**An Act to Clarify Responsibility for Workers' Compensation Coverage  
for Town Forest Fire Wardens and Laborers Hired for Forest  
Fire-fighting Activities.**

(EMERGENCY)

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Submitted by the Department of Conservation pursuant to Joint Rule 24.  
Received by the Clerk of the House on April 20, 1993. Referred to the Committee on Labor  
and 1200 ordered printed pursuant to Joint Rule 14.

  
JOSEPH W. MAYO, Clerk

Presented by Representative BAILEY of Township 27.  
Cosponsored by Representatives: BENNETT of Norway, GRAY of Sedgwick, Senator:  
BALDACCI of Penobscot.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4           Whereas, there is significant ambiguity in the law regarding  
6 who is responsible for workers' compensation coverage for forest  
fire wardens and laborers hired for forest fire-fighting  
8 activities; and

10           Whereas, this ambiguity could result in significant costs to  
forest fire wardens, hired laborers, the State and municipalities  
12 should the forest fire wardens or hired laborers be injured while  
performing their duties; and

14           Whereas, in the judgment of the Legislature, these facts  
16 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
18 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

22           **Sec. 1. 39-A MRSA §112 is enacted to read:**

24           **§112. Workers' compensation coverage for forest firefighters**

26           Notwithstanding Title 12, section 8901, subsection 2 and  
28 Title 12, sections 8902, 8905, 9201, 9202, 9204 and 9205,  
workers' compensation coverage is provided to forest fire wardens  
30 and laborers hired by municipalities for forest fire-fighting  
activities as follows.

32           **1. Municipal responsibility.** The municipality is  
34 responsible for workers' compensation costs for injuries that  
occur while the municipality is in actual control of forest  
36 fire-fighting activities.

38           **2. State responsibility.** The State is responsible for  
workers' compensation costs for injuries that occur while the  
40 State is in actual control of forest fire-fighting activities.

42           For purposes of this section, "actual control" means on-site  
supervisory responsibility for the entire command structure  
44 directing forest fire-fighting activities at the fire scene. A  
municipality is assumed to be in actual control until the State  
46 accepts or takes actual control.

48           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

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## STATEMENT OF FACT

4        This bill clarifies the responsibility for providing  
6 workers' compensation coverage to municipal forest fire wardens  
8 and laborers hired for forest fire-fighting activities in  
10 municipalities. This language was passed during the Second  
Regular Session of the 115th Legislature as Public Law 1991,  
chapter 753. The language was not included in the revised  
workers' compensation laws.