

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 317

S.P. 113 - L.D. 265

AN ACT to Change the Deadline for Holding Municipal Caucuses.

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

21 MRSA §361, sub-§1-A, as enacted by PL 1973, c. 403, is repealed and the following enacted in its place:

1-A. Time. A municipal caucus of the Democratic Party, held biennially during the general election year for the purpose of electing delegates to a state convention and for any other business that may come before a state convention, shall be held no later than the first Sunday after the last day of February. A municipal caucus of any other party, held for the same purpose, shall be held prior to April 1st.

Effective September 23, 1983.

CHAPTER 318

S.P. 358 - L.D. 1079

AN ACT to Establish a Workers' Compensation Hearing Exemption for Agricultural and Aquacultural Employers' Liability Insurance Claim Disputes.

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

39 MRSA §96-B is enacted to read:

§96-B. Expedited decision on claim of agricultural or aquacultural exemption

1. Claim of exemption; answer. If an employer carries employer liability insurance as required by sections 2, 4 and 21 and claims to fall within one of the agricultural or aquacultural exemptions in section 2, 4 or 21, the employer may raise this either in an answer filed under section 97 or by

motion. The employer shall file such a motion with the commission within 5 days after receipt of the employee's petition and shall mail a copy thereof to the employee. The employer shall file affidavits, records, proof of insurance and other evidence supporting his claim for an exemption, together with the motion. Within 5 days after receipt of the employer's motion, the employee may file a reply with the commission, together with affidavits, records and other evidence supporting his claim that the employer does not fall within an agricultural or aquacultural exemption. If the employee files a reply, a copy thereof shall be mailed to the employer.

2. Expedited decision. When the employee has filed a reply or the time for filing such a reply has expired, the commission shall promptly rule on whether the employer falls within an agricultural or aquacultural exemption. Whenever possible, the commission shall attempt to decide this issue based on the documentary evidence submitted by the parties, but may hold a hearing solely on this issue if the documentary evidence is insufficient, after at least a 5-day notice to all parties or their attorneys of record.

If the commission rules that the employer does not fall within an agricultural or aquacultural exemption, he shall schedule a hearing on the employee's petition as provided in section 98. At that hearing, the employer may again raise the issue of exemption.

If the commission rules that the employer does fall within an exemption, he shall issue a decree consistent with that ruling.

3. Appeal. There is no appeal from the commission's decision, prior to a hearing on the employee's petition, ruling against the employer's exemption. If the commission is of the opinion that a question of law involved in the ruling ought to be determined by the Appellate Division prior to any further proceedings, it may on motion of the aggrieved party report the case to the division for that purpose and stay all further proceedings, except those which are necessary to preserve the rights of the parties without making a decision.

If the commission rules that the employer does fall within the agricultural or aquacultural exemption, the employee may appeal that decision to the division as provided in section 103-B.