

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1571

H. P. 1147

House of Representatives, May 20, 1965

Reported by a Majority of the Committee on Labor. Printed under Joint Rules No. 10.

JEROME G. PLANTE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Revising Certain Laws Under the Workmen's Compensation Law.

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

Sec. 1. R. S., T. 39, § 4, amended. Section 4 of Title 39 of the Revised Statutes is amended to read as follows :

§ 4. Applicability to certain actions and employers; exemptions

Section 3 shall not apply to ~~employers who employ 5 or less workmen or operatives regularly in the same business. Said section 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~~ by seasonal or casual farm laborers. "Casual" is defined as occasional, irregular or incidental. "Seasonal" shall refer to employment beginning with the planting season and terminating at the completion of the harvest season. Section 3 shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries, sustained by employees of an employer who has become subject to this Act by securing the payment of compensation in conformity with sections 21 to 27. Such assenting employers, except as provided by section 28, shall be exempt from civil actions because of such injuries either at common law or under sections 141 to 148 or under Title 18, sections 2551 to 2553.'

Sec. 2. R. S., T. 39, § 21, amended. The first 2 paragraphs of section 21 of Title 39 of the Revised Statutes are amended to read as follows :

'Every private employer subject to this Act, who has secured the payment of compensation in conformity with sections 21 to 27 shall be conclusively presumed to be an assenting employer with respect to employees other than those

engaged in domestic service or in agriculture **as seasonal or casual farm laborers**, subject to the provisions hereinafter stated.

Any private employer ~~other than those who employ 5 or less workmen or operators regularly in the same business~~ who has elected not to be an assenting employer by not securing 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** to recover for personal injuries or death sustained after such election by the employer, arising out of and in the course of his employment shall not be entitled to the defenses set forth in section 3.'

Sec. 3. R. S., T. 39, § 24, amended. Section 24 of Title 39 of the Revised Statutes is amended to read as follows:

§ 24. Voluntary election

Any private employer ~~of 5 or less employees~~ may become an assenting employer with respect to his employees ~~and any private employer may become an assenting employer with respect to his employees except those~~ engaged in domestic service or in agriculture **as seasonal or casual farm laborers**, and the act of the employer in securing the payment of compensation to such employee or class of employees in conformity with sections 21 to 27 shall constitute as to such employer his election to become an assenting employer without any further act on his part, but only with respect to that employee or that class of employees with respect to whom the employer has secured compensation as provided in sections 21 to 27, provided that, as to any employer who secures compensation by making a contract of industrial accident insurance, such election shall be deemed to have been made on the effective date of the insurance policy. Such election to be an assenting employer shall be deemed to continue as long as compensation continues to be secured as provided.'