

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 946

H. P. 674

House of Representatives, February 16, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cushing of Bucksport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Revising Certain Portions of Workmen's Compensation Law.

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

Sec. 1. R. S., T. 39, § 1-A, additional. Title 39 of the Revised Statutes is amended by adding a new section 1-A, as follows :

§ 1-A. Application

This Act shall apply to employers who employ one or more employees regularly in the same business.

Sec. 2. R. S., T. 39, § 4, amended. Section 4 of Title 39 of the Revised Statutes, as amended by section 1 of chapter 411 and section 1 of chapter 489, both of the public laws of 1965, is further amended to read as follows :

§ 4. Applicability to certain actions and employers; exemptions

Section 3 shall not apply ~~to employers who employ 3 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 as seasonal or casual farm laborers. "Casual" is defined as occasional, irregular or incidental. "Seasonal" refers to farm laborers engaged in agricultural employment beginning at or after the commencement of the planting season and terminating at or before 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. ~~Section 3 shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries sustained by the farm laborers of an employer who is covered by an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than \$1,000.~~

Sec. 3. R. S., T. 39, § 21, amended. The 2nd paragraph of section 21 of Title 39 of the Revised Statutes, as amended by section 2 of chapter 411 and section 2 of chapter 489, both of the public laws of 1965, is further amended to read as follows:

Any private employer ~~other than those who employ 3 or less employees 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, not to be entitled to the defenses set forth in section 3.