

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1567

H. P. 1235

House of Representatives, June 3, 1969

Reported by a Majority of the Committee on Labor. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

**AN ACT Relating to Applicability of Workmen's Compensation Law to
Employers of One or More Employees.**

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, as amended, 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 ~~employees of employers who employ 3 or less workmen or operatives regularly in the same business~~ if the negligence of

a person under the right of direction or control of the employer is not a cause of the injury or death of the employee, or 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. 2. R. S., T. 39, § 21, amended. The 2nd paragraph of section 21 of Title 39 of the Revised Statutes, as amended, 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 or any employer who employs 3 or less employees regularly in the same business who has so elected by not securing the payment of compensation under sections 21 to 27, or by not covering himself with an employer's liability insurance policy as provided in section 4, 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 be entitled to the defenses set forth in section 3.