

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1157

H. P. 934

House of Representatives, March 20, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Finemore of Bridgewater.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Relating to Applicability of Workmen's Compensation to Certain
Employees and to Repeal the Penalty Provision.

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

Sec. 1. 39 MRSA § 4, as last amended by PL 1973, c. 746, § 4, is repealed and the following enacted in place thereof:

§ 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. Section 3 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 secured the payment of compensation in conformity with sections 21 to 27. Such secured employers 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. 2. 30 MRSA § 21, first ¶, as last amended by PL 1973, c. 746, § 5, is amended to read:

Every private employer, **except as otherwise provided in section 4**, shall be subject to this Act and shall secure the payment of compensation in conformity with sections 21 to 27 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.

Sec. 3. 39 MRSA § 104-A, last ¶, as enacted by PL 1973, c. 746, § 10, is repealed.

STATEMENT OF FACT

The purpose of this Act is to again make the Workmen's Compensation Law inapplicable to employers who employ 3 or less employees, and to repeal the law providing for punishment of an employer required to secure payment of his employers of the compensation provided for in the Act, who fails to do so.