

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 999

S. P. 338

In Senate, March 7, 1979

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

Presented by Senator Chapman of Sagadahoc.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Clarify the Liability of Employers Under the Workers' Compensation Act.

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

39 MRSA § 4, as last amended by PL 1973, c. 746, § 4, is further amended to read:

§ 4. Applicability to certain actions and employers; exemptions

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 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.

If an employer secures payment of compensation as required by this Act, the liability of the employer under this Act shall be exclusive and in place of all other liability of the employer to the employee, his legal representative, husband or wife, dependents, next of kin and anyone otherwise entitled to recover damages from the employer at common law, by statute, or otherwise for the injury or death of the employee. The exemption from liability given an employer by this section shall also extend to all employees, officers or directors of the employer.

STATEMENT OF FACT

The original purpose of the Workers' Compensation Act was to make employers liable for occupational injuries without regard to fault and to provide a single expedient remedy which would eliminate the costs and delays associated with personal injury litigation. This bill makes it clear that the Act constitutes an exclusive remedy for occupational injuries.