

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1268

S. P. 412

In Senate, March 16, 1979

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

Presented by Senator Ault of Kennebec.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

RESOLVE, to Reimburse Norman M. Curtis for Financial Loss Due to Legislative Oversight.

Norman M. Curtis; reimbursed. Resolved: That there is appropriated from the General Fund the sum of \$26,200 to reimburse Norman M. Curtis for a loss caused by an oversight of the 106th Legislature.

STATEMENT OF FACT

The purpose of this resolve is to reimburse Norman M. Curtis for a loss he suffered when both the Industrial Accident Commission and the Maine Supreme Judicial Court found that in February of 1975, Mr. Curtis, as the employer of an injured worker, was subject to the Maine Workmen's Compensation Act.

Mr. Curtis claimed to both the commission and, on appeal, the court that the Legislature originally intended to exempt employers such as he and that this legislative intent was made clear by an amendment to the Act, which became effective on October 1, 1975.

To this argument the Maine Supreme Judicial Court made the following comment:

“The statutes under consideration contain no ambiguity, hiatus or even direct conflict permitting the sort of supplemental interpretation appellant asks us to make. The fact that in its next session the Legislature amended section 21 might suggest some oversight in the version of that section effective at the time of the injury if an ambiguity, hiatus or direct conflict in the present legislation had existed. In a case having none of these elements, it would be dangerous precedent to import so crucial an exception into plainly inclusive statutory language on some theory of mistake or oversight on the part of the Legislature.” Law Docket No. Ken-77-1 (June 1, 1978)

Thus, Mr. Curtis is asking the Legislature to affirm that the Legislature intended that employers such as he be exempted from the Workmens' Compensation Act, as they have been since the October 1, 1975 amendment.