

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 111

S. P. 74

In Senate, January 8, 1981

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

MAY M. ROSS, Secretary of the Senate

Presented by Senator C. Sewall of Lincoln.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law.

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

Sec. 1. 39 MRSA § 4, first sentence, as amended by PL 1973, c. 576, § 2, is further amended to read:

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 or aquaculture as seasonal or casual farm laborers.

Sec. 2. 39 MRSA § 4, 3rd sentence, as amended by PL 1965, c. 489, § 1, is further amended to read:

“Seasonal” refers to farm laborers engaged in agricultural or aquacultural employment beginning at or after the commencement of the planting season and terminating at or before the completion of the harvest season.

Sec. 3. 39 MRSA § 21, sub-§ 1, as last amended by PL 1975, c. 376, is further amended to read:

1. Private employers. Every private employer 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 **or aquaculture** as seasonal or casual farm laborers, subject to the provisions hereinafter stated, except that an employer of 4 or less farm laborers shall be excused from this requirement as to such farm laborers by maintaining coverage by an employer's liability insurance policy as provided in section 4.

Any private employer who has not secured 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 **or aquaculture** as a seasonal or casual farm laborer to recover for personal injuries or death arising out of and in the course of his employment, not be entitled to the defenses set forth in section 3 and the employee of any such employer may in lieu of bringing such a civil action claim compensation from such employer under the provisions of this Act.

STATEMENT OF FACT

The purpose of this bill is to extend the workers' compensation exemption of certain agriculture workers to include certain aquaculture workers.