

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 646

H. P. 570 House of Representatives, February 4, 1981
Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Damren of Belgrade.

STATE OF MAINE

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

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 1979, c. 663, § 243, 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, under Title 14, sections 8101 to 8118 or under Title 18-A, section 2-804. This exemption from liability shall also extend to all employees, supervisors, officers and directors of the employer for any personal injury or~~

~~occupational disease arising out of and in the course of employment~~ Section 3 shall not apply to actions to recover damages for the injuries aforesaid, or for the 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 and 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 remove the costs, delays and uncertainties associated with personal injury litigation. This bill makes it clear that the Act is the exclusive remedy for occupational injuries.

It is one of the recommendations of the Blaine House Conference on Small Business.