

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 977

6
7 S.P. 332

In Senate, March 3, 1983

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

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Perkins of Hancock.

Cosponsors: Representative Salsbury of Bar Harbor, Representative
11 Zirnkilton of Mount Desert and Senator Sewall of Lincoln.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Concerning Workers' Compensation
18 for Officers of Corporations.
19

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

22 39 MRSA §2, sub-§5, ¶A, as amended by PL 1981, c.
23 283, §2, is further amended to read:

24 A. "Employee" shall include officials of the
25 State, counties, cities, towns, water districts
26 and all other quasi-public corporations of a
27 similar character, every duly elected or
28 appointed executive officer of a private corpora-
29 tion, other than a charitable, religious, educa-
30 tional or other nonprofit corporation, and every
31 person in the service of another under any con-
32 tract of hire, express or implied, oral or writ-
33 ten, except:

1 (1) Persons engaged in maritime employment,
2 or in interstate or foreign commerce, who
3 are within the exclusive jurisdiction of
4 admiralty law or the laws of the United
5 States; and persons operating as sternmen as
6 defined in Title 36, section 5102, subsec-
7 tion 8-A-;

8 (2) Any person whose employment is not in
9 the usual course of the business, profes-
10 sion, trade or occupation of his employer.
11 Firefighters and policemen shall be deemed
12 employees within the meaning of this Act.
13 Employers who hire workmen within this State
14 to work outside the State may agree with
15 such workmen that the remedies under this
16 Act shall be exclusive as regards injuries
17 received outside this State arising out of
18 and in the course of such employment; and
19 all contracts of hiring in this State,
20 unless otherwise specified, shall be pre-
21 sumed to include such agreement. Any refer-
22 ence to an employee who has been injured
23 shall, when the employee is dead, include
24 his legal representatives, dependents and
25 other persons to whom compensation may be
26 payable-;

27 (3) Notwithstanding any other provisions of
28 this Act, any charitable, religious, educa-
29 tional or other nonprofit corporation that
30 may be or become an assenting employer under
31 this Act, may cause any duly elected or
32 appointed executive officer to be an
33 employee of such corporation by specifically
34 including such executive officer among those
35 to whom such corporation secures payment of
36 compensation in conformity with subchapter
37 II; and such executive officer shall remain
38 an employee of such corporation under this
39 Act while such payment is so secured. With
40 respect to any such corporation that secures
41 compensation by making a contract of work-
42 ers' compensation insurance, specific inclu-
43 sion of such executive officer in such con-
44 tract shall cause such officer to be an
45 employee of such corporation under this
46 Act-;

1 (4) Any person who states in writing to the
2 commission that he waives all the benefits
3 and privileges provided by the workers' com-
4 pensation laws, provided that the commission
5 shall have found such person to be a bona
6 fide owner of at least 20% of the outstand-
7 ing voting stock of the corporation by which
8 he is employed and that this waiver was not
9 a prerequisite condition to employment.

10 Any person may revoke or rescind his waiver
11 upon 30 days' written notice to the commis-
12 sion and his employer. The parent, spouse,
13 or child of a person who has made a waiver
14 under the previous sentence may state, in
15 writing, that he waives all the benefits and
16 privileges provided by the workers' compen-
17 sation laws if the commissioner finds that
18 the waiver is not a prerequisite condition
19 to employment and if the parent, spouse or
20 child is employed by the same corporation
21 which employs the person who has made the
22 first waiver;

23 (5) The parent, spouse or child of a sole
24 proprietor who is employed by that sole pro-
25 prietor or the parent, spouse or child of a
26 partner who is employed by the partnership
27 of that partner may state, in writing, that
28 he waives all the benefits and privileges
29 provided by the workers' compensation laws
30 if the commission finds that the waiver is
31 not a prerequisite condition to employment;

32 (6) Employees of an agricultural employer
33 when harvesting 150 cords of wood or less
34 each year from farm wood lots, provided that
35 the employer is covered under an employer's
36 liability insurance policy as required in
37 subsection 1-A; or

38 (7) Any executive officer of a private cor-
39 poration which is organized for profit who
40 states in writing to the commission that he
41 waives all the benefits and privileges pro-
42 vided by the workers' compensation laws,
43 provided that the commission has found that

1 the officer is paid an average weekly wage
2 of \$30 or less, and that this waiver was not
3 a prerequisite condition to employment. Any
4 person may revoke or rescind his waiver upon
5 30 days' written notice to the commission
6 and his employer.

7 STATEMENT OF FACT

8 The purpose of this bill is to allow an executive
9 officer of a private for-profit corporation to waive
10 workers' compensation coverage if he is paid an aver-
11 age weekly wage of \$30 per week or less by the corpo-
12 ration and if the waiver is not a prerequisite to
13 employment by the corporation.

14 0551021683