

MAINE STATE LEGISLATURE

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(After Deadline)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1637

S.P. 563

In Senate, May 17, 1983

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Twitchell of Oxford.

Cosponsors: Representative Jackson of Harrison, Representative Roderick of Oxford and Representative McCollister of Canton.

STATE OF MAINE

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

AN ACT to Provide Workers' Compensation
Coverage to Emergency Medical Services'
Persons.

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

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

A. "Employee" shall include officials of the State, counties, cities, towns, water districts and all other quasi-public corporations of a similar character, every duly elected or appointed executive officer of a private corporation, other than a charitable, religious, educational or other nonprofit corporation, and every person in the service of another under any contract of hire, express or implied, oral or written, 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 Volunteer firefighters who are active mem-
14 bers of a volunteer fire fighters' associa-
15 tion, as defined in Title 30, section 3771;
16 volunteer emergency medical services' per-
17 sons, as defined in Title 32, section 83,
18 subsection 12; and policemen shall be deemed
19 employees within the meaning of this Act.
20 In computing the average weekly wage of an
21 injured volunteer firefighter or volunteer
22 emergency services' person, the average
23 weekly wage shall be taken to be the earning
24 capacity of the injured employee in the
25 occupation in which he is regularly engaged.
26 Employers who hire workmen within this State
27 to work outside the State may agree with
28 such workmen that the remedies under this
29 Act shall be exclusive as regards injuries
30 received outside this State arising out of
31 and in the course of such employment; and
32 all contracts of hiring in this State,
33 unless otherwise ~~specified~~ specified, shall
34 be presumed to include such agreement. Any
35 reference to an employee who has been
36 injured shall, when the employee is dead,
37 include his legal representatives, depend-
38 ents and other persons to whom compensation
39 may be payable;

40 (3) Notwithstanding any other provisions of
41 this Act, any charitable, religious, educa-
42 tional or other nonprofit corporation that
43 may be or become an assenting employer under
44 this Act, may cause any duly elected or
45 appointed executive officer to be an

1 employee of such corporation by specifically
2 including such executive officer among those
3 to whom such corporation secures payment of
4 compensation in conformity with subchapter
5 II; and such executive officer shall remain
6 an employee of such corporation under this
7 Act while such payment is so secured. With
8 respect to any such corporation that secures
9 compensation by making a contract of work-
10 ers' compensation insurance, specific inclu-
11 sion of such executive officer in such con-
12 tract shall cause such officer to be an
13 employee of such corporation under this
14 Act-;

15 (4) Any person who states in writing to the
16 commission that he waives all the benefits
17 and privileges provided by the workers' com-
18 pensation laws, provided that the commission
19 shall have found such person to be a bona
20 fide owner of at least 20% of the outstand-
21 ing voting stock of the corporation by which
22 he is employed and that this waiver was not
23 a prerequisite condition to employment.

24 Any person may revoke or rescind his waiver
25 upon 30 days' written notice to the commis-
26 sion and his employer. The parent, spouse,
27 or child of a person who has made a waiver
28 under the previous sentence may state, in
29 writing, that he waives all the benefits and
30 privileges provided by the workers' compen-
31 sation laws if the commissioner finds that
32 the waiver is not a prerequisite condition
33 to employment and if the parent, spouse or
34 child is employed by the same corporation
35 which employs the person who has made the
36 first waiver-;

37 (5) The parent, spouse or child of a sole
38 proprietor who is employed by that sole pro-
39 prietor or the parent, spouse or child of a
40 partner who is employed by the partnership
41 of that partner may state, in writing, that
42 he waives all the benefits and privileges
43 provided by the workers' compensation laws
44 if the commission finds that the waiver is

1 not a prerequisite condition to employment; ;
2 or

3 (6) Employees of an agricultural employer
4 when harvesting 150 cords of wood or less
5 each year from farm wood lots, provided that
6 the employer is covered under an employer's
7 liability insurance policy as required in
8 subsection 1-A.

9 STATEMENT OF FACT

10 The purpose of this bill is to provide for cover-
11 age under the Workers' Compensation Act for volunteer
12 emergency medical services' persons.

13 3827051083