

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2024

7 H.P. 1433

House of Representatives, February 13, 1986

8 Submitted by the Department of Corrections pursuant to Joint Rule 24.

9 Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Paradis of Augusta.

Cosponsored by Representative McGowan of Canaan, Representative Joseph of Waterville and Representative Drinkwater of Belfast.

11
12 STATE OF MAINE
13

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

17 AN ACT to Exempt Prisoners and Adult
18 Offenders who are Performing
19 Court-ordered Public Restitution from
20 the Provisions of the Workers'
21 Compensation Act.
22

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

25 39 MRSA §2, sub-§5, ¶E is enacted to read:

26 E. The term "employee" does not include any per-
27 son who is a prisoner performing services with or
28 without remuneration within a correctional facil-
29 ity or an offender whom a court has ordered to
30 make restitution in the form of public work ser-
31 vice pursuant to Title 17-A, section 1324, sub-
32 section 2.

1

STATEMENT OF FACT

2 Many county agencies are reluctant to permit
3 adult offenders who are performing court-ordered pub-
4 lic restitution to undertake work associated with the
5 restitution order on their premises because they must
6 assume liability for the worker-offenders under the
7 workers' compensation laws. This bill removes that
8 liability and an obstacle which has severely con-
9 stricted the availability of public service work
10 slots. It would, as well, reconcile the inconsisten-
11 cy between the treatment of adult offenders and juve-
12 nile offenders in that the Maine Juvenile Code ex-
13 empts from liability public agencies which employ ju-
14 veniles pursuant to court orders for public restitu-
15 tion.

16 In addition, state laws are silent on the issue
17 of whether or not prisoners within the corrections
18 system are eligible for workers' compensation bene-
19 fits if they are injured while performing
20 remunerated, or unremunerated tasks, in satisfaction
21 of requirements for good time and meritorious good
22 time, within a correctional facility. The bill spe-
23 cifically exempts the State from liability in such
24 cases.

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