

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 222

H.P. 178 House of Representatives, February 4, 1987
Reference to the Committee on Labor suggested and ordered
printed.

EDWIN H. PERT, Clerk
Presented by Representative HEPBURN of Skowhegan.
Cosponsored by Representatives PARADIS of Augusta and
JOSEPH of Waterville.

STATE OF MAINE

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

1 AN ACT to Exempt Prisoners and Adult
2 Offenders who are Performing
3 Court-ordered Public Restitution from
4 the Provisions of the Workers'
5 Compensation Act.
6

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

9 39 MRSA §2, sub-§5, ¶E is enacted to read:

10 E. The term "employee" does not include any per-
11 son who is a prisoner performing services with or
12 without remuneration within a correctional facil-
13 ity or an offender who has been ordered by the
14 court to make restitution in the form of public
15 work service pursuant to Title 17-A, section
16 1324, subsection 2.

STATEMENT OF FACT

1

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. The bill would, as well, reconcile the incon-
11 sistency between the treatment of adult offenders and
12 juvenile offenders in that the Maine Juvenile Code
13 exempts from liability public agencies which employ
14 juveniles pursuant to court orders for public resti-
15 tution.

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 remunerated
20 or unremunerated tasks in satisfaction of require-
21 ments for good time and meritorious good time, within
22 a correctional facility. The bill specifically ex-
23 empts the State from liability in such cases.

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