

MAINE STATE LEGISLATURE

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L.D. 390
(Filing No. H-52)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "A" to H.P. 304, L.D. 390,
Bill, "AN ACT to Clarify Enforcement of Insurance
Coverage Requirements of the Workers' Compensation
Law."

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Amend the bill in section 3, in subsection 3, by
inserting at the end (page 3, line 11 in L.D.) a new
sentence to read: 'For purposes of this subsection,
the term "insurance coverage" includes authorization
by the Superintendent of Insurance to self-insure.'

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Further amend the bill in section 5, in subsec-
tion 2, by striking out the last paragraph (page 4,
lines 22 to 24 in L.D.) and inserting in its place
the following:

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'If that employer is a corporation, any agent of the
corporation having primary responsibility for obtain-
ing insurance coverage is liable for punishment under
this section. Determination of criminal liability
shall be in conformity with Title 17-A, sections 60
and 61.'

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Further amend the bill by striking out all of
section 6 (page 4, lines 25 to 33 in L.D.) and in-
serting in its place the following:

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' Sec. 6. 39 MRSA §104-A, sub-§3 is enacted to
read:

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3. Certificate. Notwithstanding any other pro-
vision of law or rule of evidence, the certificate of
the Director of Administrative Services, under seal
of the commission, shall be received in any court in
this State as prima facie evidence of facts pertain-
ing to insurance coverage records contained in the
certificate or within the documents attached to the

COMMITTEE AMENDMENT "A" to H.P. 304, L.D. 390

1 certificate.'

2 STATEMENT OF FACT

3 This amendment is intended to clarify or correct
4 the original bill in 3 ways. First, it clarifies
5 that the requirement to obtain workers' compensation
6 insurance coverage is satisfied if an employer quali-
7 fies to self-insure. Second, it clarifies the lia-
8 bility of corporate agents where an employer is a
9 corporation and fails to obtain workers' compensation
10 insurance coverage for its employees. Finally, it
11 limits the nature of facts which may be certified un-
12 der the bill by the Workers' Compensation Commission
13 to facts related to insurance coverage records.

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Reported by the Committee on Labor.

Reproduced and distributed under the direction of the Clerk of the House

4/7/87

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