

MAINE STATE LEGISLATURE

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(New Draft of H.P. 178, L.D. 222)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 726

H.P. 542 House of Representatives, March 11, 1987
Reported by Representative WILLEY from the Committee on
Labor and printed under Joint Rule 2.
Original bill sponsored by Representative HEPBURN of
Skowhegan. Cosponsored by Representatives PARADIS of Augusta
and JOSEPH of Waterville.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Exempt Prisoners from the
Provisions of the Workers'
Compensation Act.

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

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

E. The term "employee" does not include any person performing services with or without remuneration within a state correctional facility or county jail.

1 STATEMENT OF FACT

2 This new draft clarifies that prisoners perform-
3 ing work within a state correctional facility or
4 county jail are not "employees" for the purposes of
5 the Workers' Compensation Act and thus not eligible
6 for benefits if they are injured while working. They
7 may still sue the State or the county under the Maine
8 Tort Claims Act for any injuries caused by negli-
9 gence. The provisions of the former bill relating to
10 offenders who are performing court-ordered public
11 restitution work were deleted from this new draft.
12 The Legislature expresses no opinion in this new
13 draft as to whether or not these persons are consid-
14 ered "employees" under the present provisions of the
15 Workers' Compensation Act. The intent of this new
16 draft is limited solely to clarifying that prisoners
17 performing work within a correctional facility or
18 jail, with or without remuneration, are not to be
19 considered employees for the purposes of the Workers'
20 Compensation Act.

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