

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2083

H.P. 1529 House of Representatives, January 19, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Labor suggested and ordered
printed.

EDWIN H. PERT, Clerk
Presented by Representative JOSEPH of Waterville.
Cosponsored by Speaker MARTIN of Eagle Lake, President
PRAY of Penobscot and Senator ANDREWS of Cumberland.

STATE OF MAINE

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

AN ACT to Promote Safety in the
Workplace.

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

3 26 MRSA c. 3-A is enacted to read:

4 CHAPTER 3-A

5 LIABILITY FOR WORKPLACE MACHINERY

1 §51. Machinery safety devices

2 It is unlawful to remove, disconnect, alter or
3 cause to have removed, disconnected or altered a
4 warning, guard or other safety device from any
5 machine, tool or other implement located in the
6 workplace.

7 §52. Cause of action

8 1. General rule. An employee who suffers an
9 injury caused in whole or in part by the removal of a
10 warning, guard or other safety device may bring an
11 action for damages against the possessor of the
12 workplace where the injury occurred.

13 2. Burden of proof. In any action under
14 subsection 1, the injured employee has the burden of
15 showing that the possessor knew or should have known
16 of the removal of the warning, guard or other safety
17 device.

18 3. Evidence of knowldege or complicity. In an
19 action for damages pursuant to this section, the
20 following rules of evidence apply.

21 A. Evidence that the injured employee knew of the
22 removal of the warning, guard or other safety
23 device is not admissible.

24 B. Evidence that the injured employee was
25 responsible for the removal of the warning, guard
26 or other safety device is admissible unless the
27 trial court determines that the injured employee's
28 actions were at the direction of the possessor.

29 §53. Alternative remedies

