

MAINE STATE LEGISLATURE

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(New Draft of S.P. 781, L.D. 2038)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2525

S.P. 953

In Senate, March 15, 1988

Reported by Senator DUTREMBLE of York for the Committee on Labor and printed under Joint Rule 2. Original Bill sponsored by Senator BUSTIN of Kennebec. Cosponsored by: Representative THISTLE of Dover-Foxcroft, Senator GILL of Cumberland, and Representative GREENLAW of Standish.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

1 **AN ACT to Include Certain Prisoners Within the**
2 **Provisions of the Workers' Compensation Act.**
3

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

6 Sec. 1. 39 MRSA §2, sub-§5, ¶E, as enacted by PL
7 1987, c. 210, is repealed and the following enacted in
8 its place:

1 E. The term "employee" does not include any
2 person who is a sentenced prisoner in actual
3 execution of a term of incarceration imposed in
4 this State or any other jurisdiction for a
5 criminal offense, except in relation to
6 compensable injuries suffered by the prisoner
7 during incarceration and while the prisoner is:

8 (1) A prisoner in a county jail under final
9 sentence of 72 hours or less and is assigned
10 to work outside of the county jail;

11 (2) Employed by a private employer;

12 (3) Participating in a work release program;
13 or

14 (4) Sentenced to imprisonment with intensive
15 supervision under Title 17-A, section 1261.

16 Sec. 2. 39 MRSA §102-A, as enacted by PL 1987,
17 c. 559, Pt. B, §43, is repealed and the following
18 enacted in its place:

19 §102-A. Incarceration of employee

20 1. Compensation while incarcerated. No
21 compensation for incapacity under section 54-B or 55-B
22 may be paid to any person during any period in which
23 that person is a sentenced prisoner in actual
24 execution of a term of incarceration imposed in this
25 State or any other jurisdiction for a criminal
26 offense, except in relation to compensable injuries
27 suffered during incarceration and while the prisoner
28 is:

29 A. Employed by a private employer;

30 B. Participating in a work release program; or

31 C. Sentenced to imprisonment with intensive
32 supervision under Title 17-A, section 1261.

33 2. Compensation forfeited. All compensation
34 which is not payable under subsection 1 is

1 or public employer under a work release program or
2 while working for a private or public employer while
3 the prisoner is sentenced to imprisonment with
4 intensive supervision. All incapacity benefits
5 payable due to a compensable injury suffered before a
6 prisoner's incarceration are forfeited during the
7 period of incarceration.

8 Section 3 of the new draft contains an application
9 clause ensuring that the new draft will apply only to
10 persons who suffer injuries after the effective date
11 of the new draft.

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