

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 268

H.P. 183

House of Representatives, February 1, 1991

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SAVAGE of Union.

Cosponsored by Representative MARSANO of Belfast, Representative BAILEY of Township 27 and Representative NASH of Camden.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Exempt Certain Small Employers from the Workers'  
Compensation Act.**

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

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4       **Sec. 1. 39 MRSA §21-A, sub-§1, ¶¶B and C, as enacted by PL 1985, c. 249, §4, are amended to read:**

6       B. Employers of employees engaged in agriculture or  
8       aquaculture as seasonal or casual laborers, if the employer  
10       maintains coverage by an employer's liability insurance  
12       policy with total limits of not less than \$25,000 and  
14       medical payment coverage of not less than \$1,000.

16           (1) As used in this subsection, "casual" means  
18           occasional or incidental. "Seasonal" refers to  
20           laborers engaged in agricultural or aquacultural  
22           employment beginning at or after the commencement of  
24           the planting or seeding season and ending at or before  
26           the completion of the harvest season; and

28       C. Employers of 6 or fewer agricultural or aquacultural  
30       laborers, if the employer maintains an employer's liability  
32       insurance policy with total limits of not less than \$100,000  
34       multiplied by the number of agricultural or aquacultural  
36       laborers employed by that employer and medical payment  
38       coverage of not less than \$1,000.

40           (1) In computing the number of agricultural or  
42           aquacultural laborers under this paragraph, immediate  
44           family members of unincorporated employers, immediate  
46           family members of bona fide owners of at least 20% of  
48           the outstanding voting stock of an incorporated  
50           agricultural employer and seasonal and casual workers  
52           are not included. For the purposes of this  
54           subparagraph, "immediate family members" means parents,  
56           spouse, brothers, sisters and children.

58           (2) This exemption does not apply if the employer has  
60           employed more than 6 agricultural or aquacultural  
62           laborers in regular and concurrent manner, as computed  
64           under subparagraph (1), at any time during the 52 weeks  
66           immediately preceding the injury; and

68       **Sec. 2. 39 MRSA §21-A, sub-§1, ¶D is enacted to read:**

70       D. Employers of 3 or fewer employees, including any person  
72       who regularly operates a business or practices a trade,  
74       profession or occupation and elects personal coverage as  
76       prescribed in section 2, subsection 5, paragraph B, if the  
78       employer maintains coverage by a comprehensive health policy  
80       or contract subject to Title 24, chapter 19 or Title 24-A,  
82       chapter 35.

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## STATEMENT OF FACT

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This bill exempts an employer of 3 or fewer employees who maintains a group health insurance policy for those employees

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from the provisions of the Workers' Compensation Act.