

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 308

H.P. 217

House of Representatives, February 5, 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

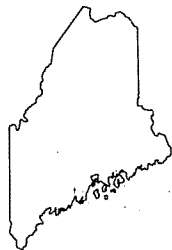
Presented by Representative MARSANO of Belfast.

Cosponsored by Representative HASTINGS of Fryeburg and Representative CARLETON of Wells.

STATE OF MAINE

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

An Act to Clarify the Definition of "Average Weekly Wages, Earnings or Salary" in the Workers' Compensation Act.



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

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

4
5 G. Notwithstanding any provision of this section, when the
6 employer has agreed, pursuant to a collective bargaining
7 agreement, to pay to a union-established fund a specific
8 dollar amount per unit of time worked by an employee, the
9 amount paid may not be reckoned as part of the employee's
10 wages, earnings or salary.

12
13 **STATEMENT OF FACT**

14
15 The Supreme Judicial Court of Maine recently held, in Ashby
16 v. Rust Engineering Company, 559 A.2d 774 (Me. 1989), that when
17 an employer has contracted to pay a specific dollar amount per
18 unit of employee time worked, those payments fall under the
19 definition of "average weekly wages, earnings or salary."

20
21 This bill provides that when an employer has agreed to pay
22 to a union-established fund a specific dollar amount per unit of
23 employee time worked, such payments may not be reckoned as part
24 of an employee's wages, earnings or salary for purposes of
25 calculating compensation benefits.
26