



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 818

S.P. 309

In Senate, February 26, 1991

Reference to the Committee on Labor suggested and ordered printed.

Brien

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator THERIAULT of Aroostook

Cosponsored by Representative PARADIS of Frenchville and Representative McHENRY of Madawaska.

STATE OF MAINE

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

An Act to Amend the Average Weekly Salary of a Seasonal Worker.

(EMERGENCY)

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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

6 of seasonal workers; and

Whereas, it is necessary for this legislation to be in effect for the upcoming summer season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

39 MRSA §2, sub-§2, ¶B-1, as amended by PL 1989, c. 511, is 20 further amended to read:

B-1. Notwithstanding paragraphs A and B, the average weekly wage of a seasonal worker shall-be <u>is</u> determined by dividing the employee's total wages, earnings or salary <u>and</u> <u>unemployment benefits</u> for the prior calendar year by 52 48.

> (1) For the purposes of this paragraph, the term "seasonal worker" does not include any employee who is customarily employed, full time or part time, for more than 26 weeks in a calendar year. The employee need not be employed by the same employer during this period to fall within this exclusion.

(2) Notwithstanding subparagraph (1), the term "seasonal worker" includes, but is not limited to, any employee who is employed directly in agriculture or in the harvesting or initial hauling of forest products.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

STATEMENT OF FACT

46 Currently, the average weekly wage for seasonal workers is determined, for purposes of workers' compensation, by dividing
48 the total wages, salary or earnings in the prior year by 52. This bill amends that calculation and requires that total wages,
50 earnings or salary and unemployment benefits in the prior year be divided by 48.

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