

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 984

H.P. 685

House of Representatives, March 8, 1991

Received by the Clerk of the House on March 6, 1991. Referred to the Committee on Labor and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script, reading "Ed Pert".

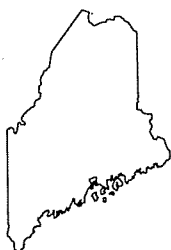
EDWIN H. PERT, Clerk

Presented by Representative McKEEN of Windham.
Cosponsored by Representative RAND of Portland.

STATE OF MAINE

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

An Act to Amend the Workers' Compensation Law.



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

39 MRSA §4, first ¶, as amended by PL 1985, c. 737, Pt. A, §117, is further amended to read:

An employer who has secured the payment of compensation in conformity with sections 21-A to 27 is exempt from civil actions, either at common law or under sections 141 to 148, Title 14, sections 8101 to 8118, and Title 18-A, section 2-804, involving personal injuries sustained by an employee arising out of and in the course of his the employment of that employee, or for death resulting from those injuries. This exemption from liability applies to all employees, supervisors, officers and directors of the employer for any personal injuries arising out of and in the course of employment, or for death resulting from those injuries. These exemptions also apply to occupational diseases sustained by an employee or for death resulting from those diseases. These exemptions do not apply to employers or supervisors whose gross negligence or violation of governmental or occupational health and safety standards results in the injury or death of an employee. Nothing in this section precludes the award of punitive damages based on the gross negligence of or violations by employers or supervisors.

STATEMENT OF FACT

The purpose of this bill is to encourage greater workplace safety, to fully compensate workers and their families for the economic and noneconomic aspects of workplace losses and to reduce the cost of workers' compensation. It removes the exemption from common law liability that applies to all employers if the employer was grossly negligent or violated any governmental or occupational health and safety standard.