

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1561, L.D. 2199, Bill, "An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 39 MRSA §6 is enacted to read:

§6. Workers' compensation coverage for forest firefighters

Notwithstanding Title 12, section 8901, subsection 2 and Title 12, sections 8902, 8905, 9201, 9202, 9204 and 9205, workers' compensation coverage is provided to forest fire wardens and laborers hired by municipalities for forest fire-fighting activities as follows.

1. Municipal responsibility. The municipality is responsible for workers' compensation costs for injuries that occur while the municipality is in actual control of forest fire suppression activities.

2. State responsibility. The State is responsible for workers' compensation costs for injuries that occur while the State is in actual control of forest fire suppression activities.

For purposes of this section, "actual control" means on-site supervisory responsibility for the entire command structure directing forest fire suppression activities over the fire scene. A municipality is assumed to be in actual control until the State accepts or takes actual control.'

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STATEMENT OF FACT

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6 This amendment removes the section of law proposed by the
8 bill from the Maine Revised Statutes, Title 12 and places it in
10 Title 39. The amendment also changes the method of identifying
12 the entity responsible for workers' compensation costs. In the
14 original bill, the responsible entity was identified by
16 determining whether a worker was performing duties solely for the
municipality, solely for the State or jointly for the
municipality and the State. In the amendment, the responsible
entity is identified by determining whether the municipality or
the State was in actual control of the fire suppression
activities. A definition of "actual control" is contained in the
amendment.

Reported by the Committee on State and Local Government
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