

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2199

H.P. 1561

House of Representatives, January 23, 1992

Submitted by the Department of Conservation pursuant to Joint Rule 24.
Reference to the Committee on State and Local Government suggested and ordered printed.

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

EDWIN H. PERT, Clerk

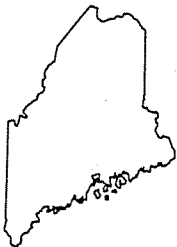
Presented by Representative BAILEY of Township 27.
Cosponsored by Representative STEVENS of Bangor.

STATE OF MAINE

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

**An Act to Clarify Responsibility for Workers' Compensation Coverage
for Town Forest Fire Wardens and Laborers Hired for Forest
Fire-fighting Activities.**

(EMERGENCY)



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

4
6 **Whereas,** there is significant ambiguity in the law regarding
who is responsible for workers' compensation coverage for forest
fire wardens and laborers hired for forest fire-fighting
8 activities; and

10 **Whereas,** this ambiguity could result in significant costs to
forest fire wardens, hired laborers, the State and municipalities
12 should the forest fire wardens or hired laborers be injured while
performing their duties; and

14
16 **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
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

22 **12 MRSA §8902, sub-§1 is enacted to read:**

24
26 1. **Workers' compensation coverage.** Notwithstanding any
provisions of Titles 30-A and 39, workers' compensation coverage
is provided to forest fire wardens and laborers hired for forest
28 fire-fighting activities as follows.

30 A. The municipality is responsible for workers'
compensation costs when fire wardens and hired laborers
32 perform duties solely for the municipality.

34 B. The State is responsible for workers' compensation costs
when fire wardens and hired laborers perform duties solely
36 for the State.

38 C. The municipality and the State are responsible for
sharing workers' compensation costs when fire wardens and
40 hired laborers perform jointly for the State and the
municipality.

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

46
48 **STATEMENT OF FACT**

50 The office of the Attorney General has advised that town
forest fire wardens and laborers hired for forest fire-fighting
52 activities are considered state employees for workers'

2 compensation purposes even when doing town rather than state
business. This bill clarifies the responsibility for providing
4 workers' compensation coverage for town forest fire wardens and
laborers hired for forest fire-fighting activities.