



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 160

H.P. 119

House of Representatives, January 26, 1993

An Act to Amend the Workers' Compensation Act As It Pertains to Officers' Immunity.

Reference to the Committee on Judiciary suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative CARLETON of Wells.

Cosponsored by Representatives AIKMAN of Poland, BARTH of Bethel, DONNELLY of Presque Isle, JOY of Island Falls.

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

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Sec. 1. 39-A MRSA §104, first \P , as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

An employer who has secured the payment of compensation in 6 conformity with sections 401 to 407 is exempt from civil actions, either at common law or under sections 901 to 908, Title 14, 8 sections 8101 to 8118, and Title 18-A, section 2-804, involving 10 personal injuries sustained by an employee arising out of and in the course of employment, or for death resulting from those 12 injuries. These exemptions from liability apply to all employees, supervisors, officers and directors of the employer $\mathbf{14}$ for any personal injuries arising out of and in the course of employment, or for death resulting from those injuries, 16 regardless of the capacity in which they have acted. These exemptions also apply to occupational diseases sustained by an employee or for death resulting from those diseases. 18 These exemptions do not apply to an illegally employed minor as 20 described in section 408, subsection 2.

Sec. 2. Retroactivity. This Act applies retroactively to July 11, 1991.

STATEMENT OF FACT

This bill ensures that the immunity extended to employers under the Workers' Compensation Act continues regardless of the capacity under which the employer is acting at the time of the employee's injury. The change is retroactive to July 11, 1992, the date of the Law Court's decision in <u>LaBelle v. Crepeau</u>, 593 A.2d 653 (Me. 1991).

L.D. 160