

MAINE STATE LEGISLATURE

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L.D. 6

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 12, L.D. 6, Bill, "An Act to Amend the Workers' Compensation Laws to Provide an Exemption from Coverage Requirements for Nonresident Employees"

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

Sec. 1. 39-A MRSA §113 is enacted to read:

§113. Exemption for nonresident employees; reciprocity

1. Exemption. An employee who is employed in another state and that employee's employer are exempt from this Act with respect to that employee while the employee is temporarily in this State doing work for that employer if:

A. The employee is not a resident of this State and was not hired in this State;

B. The employer does not have a permanent place of business in the State;

C. The employee's presence in this State for purposes of conducting employment activities does not exceed any of the following periods:

(1) Five consecutive days;

(2) Ten days in any 30-day period; or

(3) Thirty days in any 360-day period;

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2 D. The employer and employee are covered by the provisions
3 of the workers' compensation laws or similar laws of the
4 other state and that law applies to them while they are
5 working in this State;

6 E. The employer has furnished workers' compensation
7 insurance coverage under the workers' compensation laws or
8 similar laws of the other state so as to cover the
9 employee's employment while in this State;

10 F. The extraterritorial provisions of this Act covering
11 employees in this State temporarily working in the other
12 state are recognized in the other state; and

13 G. Employers and employees covered in this State are exempt
14 from the application of the workers' compensation laws or
15 similar laws of the other state under legislation comparable
16 to this section.

17 2. Other state's laws prevail. If the exemption provided
18 in subsection 1 applies, the workers' compensation laws or
19 similar laws of the other state are the exclusive remedy against
20 the employer in that state for any injury, whether resulting in
21 death or not, received by an employee while working for that
22 employer in this State.

23 3. Certificate of compliance. A certificate from a duly
24 authorized official of the workers' compensation board or similar
25 department or agency of the other state certifying that an
26 employer is insured in that other state and has provided
27 extraterritorial coverage insuring the employer's employees while
28 working within this State is prima facie evidence that the
29 employer carries such compensation insurance.

30 4. Reciprocal agreements. The board may enter into
31 reciprocal agreements with workers' compensation agencies of
32 other states adopting legislation similar to this section to
33 ensure efficient administration of the Act.'

34 Further amend the bill by inserting at the end before the
35 statement of fact the following:

36 **FISCAL NOTE**

37 The Workers' Compensation Board will incur some minor
38 additional costs to administer certain exemptions for nonresident
39 employees from coverage requirements. These costs can be
40 absorbed within the board's existing budgeted resources.'

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STATEMENT OF FACT

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This amendment achieves the same objectives as the original bill of creating an exemption from the workers' compensation laws for certain nonresident employees of out-of-state employers who are temporarily working in Maine if the other state has reciprocal legislation. The amendment limits the applicability of the exemption by restricting it to employment activities that do not exceed 5 consecutive days, 10 days in a 30-day period or 30 days in a 360-day period. The amendment also clarifies that the out-of-state employer and employee must be covered by the workers' compensation laws of the other state while the employee is temporarily working in Maine. The amendment also permits the Workers' Compensation Board to enter into reciprocal agreements with agencies from other states adopting similar legislation. The amendment adds a fiscal note to the bill.