

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

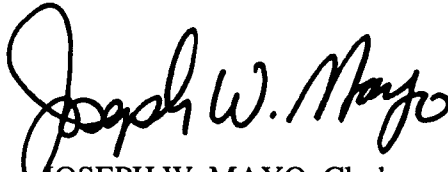
No. 6

H.P. 12

House of Representatives, January 12, 1995

**An Act to Amend the Workers' Compensation Laws to Provide an
Exemption from Coverage Requirements for Nonresident Employees.**

Reference to the Committee on Labor suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LEMONT of Kittery.
Cosponsored by Representatives: CAMPBELL of Holden, FARNUM of South Berwick,
LIBBY of Kennebunk, MARSHALL of Eliot, NICKERSON of Turner, SIMONEAU of
Thomaston, Senator: LORD of York.

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

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

6 **§113. Exemption for nonresident employees**

8 **1. Exemption.** An employee who is not a resident of this State and is employed in another state and that employee's employer are exempt from this Act while the employee is temporarily within this State doing work for that employer if:

12 **A.** The employer has furnished workers' compensation insurance coverage under the workers' compensation laws or similar laws of the other state so as to cover the employee's employment while in this State;

14 **B.** The extraterritorial provisions of this Act are recognized in the other state; and

16 **C.** Employers and employees covered in this State are likewise exempt from the application of the workers' compensation laws or similar laws of the other state.

18 **2. Other state's laws prevail.** The benefits under the workers' compensation laws or similar laws of the other state are the exclusive remedy against an employer in that state for any injury, whether resulting in death or not, received by an employee who is not a resident of this State while working for that employer in this State.

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

22 **STATEMENT OF FACT**

24 This bill establishes an exemption from compliance with the State's workers' compensation laws for a nonresident employee whose employer is also out of state while the employee is temporarily working in Maine if that employer can show that extraterritorial coverage is in place and the other state's laws are reciprocal to Maine's laws. Under this bill the benefits provided under the other state's laws are the exclusive remedy for any such employee injured in this State.