

MAINE STATE LEGISLATURE

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Rel

L.D. 121

DATE: 6/7/95

(Filing No. H- 401)

LABOR

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

COMMITTEE AMENDMENT "A" to H.P. 85, L.D. 121, Bill, "An Act to Make the Workers' Compensation Laws for Temporary Employees Consistent with Those Laws for Permanent Employees"

Amend the bill in section 1 in the first paragraph in the 10th line (page 1, line 15 in L.D.) by inserting after the following: "employees" the following: 'as long as the temporary help service has secured the payment of compensation in conformity with sections 401 to 407' and in the 12th line (page 1, line 17 in L.D.) by inserting after the following: "employees to a 3rd party" the following: 'to work under the direction and control of the 3rd party'

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

FISCAL NOTE

State departments and agencies may realize some savings from a reduction in cases filed due to a clarification of their liability in civil workers' compensation actions where injuries were sustained by employees of temporary help services. The amount of any savings can not be determined at this time.

The Judicial Department may realize some minor savings from reductions of workload and administrative costs associated with the minimal number of cases that will no longer be filed in the court system. Reductions in the collection of filing fees may decrease General Fund revenue by minor amounts.'

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STATEMENT OF FACT

Under current case law, if an employer uses an employee who is technically employed by someone else that employer is entitled to the immunity granted under the workers' compensation laws. This bill is intended to spell out this application of the employer's immunity in the statute. The amendment clarifies that the immunity applies only if the temporary service agency has obtained workers' compensation coverage. The amendment also clarifies that the immunity only applies when the loaned employee is under the direction and control of the 3rd party. The amendment also adds a fiscal note to the bill.