

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 121

H.P. 85

House of Representatives, January 17, 1995

An Act to Make the Workers' Compensation Laws for Temporary Employees Consistent with Those Laws for Permanent Employees.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CAMPBELL of Holden.

Cosponsored by Representatives: CAMERON of Rumford, DORE of Auburn, FARNUM of South Berwick, LANE of Enfield, LEMONT of Kittery, LIBBY of Kennebunk, LUMBRA of Bangor, NICKERSON of Turner, PLOWMAN of Hampden, REED of Dexter, VIGUE of Winslow, Senators: BERUBE of Androscoggin, CAREY of Kennebec, CLEVELAND of Androscoggin.

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

Sec. 1. 39-A MRSA §104, first ¶, 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 conformity with sections 401 to 407 is exempt from civil actions, either at common law or under sections 901 to 908, Title 14, sections 8101 to 8118, and Title 18-A, section 2-804, involving personal injuries sustained by an employee arising out of and in the course of employment, or for death resulting from those injuries. An employer that uses a private employment agency for temporary help services is entitled to the same immunity from civil actions by employees of the temporary help service as is granted with respect to the employer's own employees. "Temporary help services" means a service where an agency assigns its own employees to a 3rd party to support or supplement the 3rd party's work force in work situations such as employee absences, temporary skill shortages, seasonal work load conditions and special assignments and projects. These exemptions from liability apply to all employees, supervisors, officers and directors of the employer for any personal injuries arising out of and in the course of employment, or for death resulting from those injuries. These exemptions also apply to occupational diseases sustained by an employee or for death resulting from those diseases. These exemptions do not apply to an illegally employed minor as described in section 408, subsection 2.

STATEMENT OF FACT

This bill extends the immunity from civil suit granted to an employer under the workers' compensation laws to civil actions involving personal injuries arising out of and in the course of employment sustained by an employee of a temporary help service.