

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 131

H.P. 96

House of Representatives, January 17, 1995

**An Act to Permit Suit against an Employer Who Knowingly Places a
Worker at Risk of Serious Bodily Injury or Death.**

Reference to the Committee on Labor suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative TREAT of Gardiner.

Cosponsored by Representatives: ADAMS of Portland, CHARTRAND of Rockland, CHASE of China, GERRY of Auburn, HATCH of Skowhegan, JONES of Bar Harbor, LaFOUNTAIN of Biddeford, LUTHER of Mexico, MERES of Norridgewock, ROSEBUSH of East Millinocket, SAMSON of Jay, SAXL of Bangor, SHIAH of Bowdoinham, TOWNSEND of Portland, TRIPP of Topsham, TUTTLE of Sanford, VOLENIK of Sedgwick, Senators: MICHAUD of Penobscot, MILLS of Somerset, RUHLIN of Penobscot.

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

2 **Sec. 1. 39-A MRSA §104**, as enacted by PL 1991, c. 885, Pt. A,
4 §8 and affected by §§9 to 11, is amended by adding at the end a
6 new paragraph to read:

8 Notwithstanding the first 2 paragraphs of this section, when
10 an employer intentionally requires an employee to perform duties
12 that the employer knows or should reasonably know creates an
14 unreasonable risk of serious bodily injury or death and the
16 employee dies as a direct and proximate result, the heirs or the
18 estate of the employee may have an action for wrongful death
20 against the employer.

STATEMENT OF FACT

18 This bill allows the heirs or the estate of an employee to
20 bring an action for wrongful death against an employer who
 intentionally requires an employee to work when the employer
 knows that there is a risk of serious bodily injury or death.