

MAINE STATE LEGISLATURE

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LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 835, L.D. 1140, Bill, "An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers"

Amend the bill by inserting before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law provides an exemption from the workers' compensation laws for employers of employees engaged in agriculture or aquaculture as seasonal or casual laborers and a separate exemption for employers of 6 or fewer agricultural or aquacultural laborers; and

Whereas, a number of insurance agents servicing the State's farmers are under the mistaken impression that seasonal and casual laborers should be included when determining whether the employer has more than 6 agricultural laborers; and

Whereas, the issue needs to be clarified as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

COMMITTEE AMENDMENT

2 Further amend the bill by striking out all of section 1
3 (page 1, lines 3 to 21 in L.D.) and inserting in its place the
4 following:

6 'Sec. 1. 39-A MRSA §401, sub-§1, ¶C, as enacted by PL 1991, c.
7 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

8
9 C. Employers of 6 or fewer agricultural or aquacultural
10 laborers, if the employer maintains an employer's liability
11 insurance policy with total limits of not less than \$100,000
12 multiplied by the number of agricultural or aquacultural
13 laborers employed by that employer and medical payment
14 coverage of not less than \$1,000.

16 (1) In computing the number of agricultural or
17 aquacultural laborers under this paragraph, immediate
18 family members of unincorporated employers, immediate
19 family members of bona fide owners of at least 20% of
20 the outstanding voting stock of an incorporated
21 agricultural employer and seasonal and casual workers
22 are not included. For the purposes of this
23 subparagraph, "immediate family members" means
24 parents, spouse, brothers, sisters and children.

26 (2) This exemption does not apply if the employer has
27 employed more than 6 agricultural or aquacultural
28 laborers, not including seasonal or casual laborers,
29 in regular and concurrent manner, as computed under
30 subparagraph 1 (1), at any time during the 52 weeks
31 immediately preceding the injury.

32
33 **Emergency clause.** In view of the emergency cited in the
34 preamble, this Act takes effect when approved.'

36
37 **SUMMARY**

38
39 This amendment is intended to clarify current law regarding
40 the exemption for small agricultural employers. The amendment
41 makes it clear that seasonal and casual laborers are not included
42 when calculating whether the employer has employed more than 6
43 agricultural or aquacultural laborers in the preceding year.
44 This amendment also adds an emergency preamble and emergency
clause to the bill.