

# MAINE STATE LEGISLATURE

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MAJORITY  
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 887, L.D. 1204, Bill, "An Act to Establish the Maine Disaster Relief Laws"

Amend the bill in section 1 in that part designated "§19-B." by striking out all of subsections 1 and 2 and inserting in their place the following:

'With the approval of the employee's appointing authority, a state employee who is a certified disaster service volunteer of the American Red Cross may be granted a leave not to exceed 15 days in each year to participate in specialized disaster relief services for the American Red Cross, upon the request of the American Red Cross, without loss of pay, vacation time, sick leave or earned overtime accumulation. This section applies only to relief services related to a disaster declared by the governor of a state or territory or by the President of the United States.'

Further amend the bill in section 2 in that part designated "§2705." by striking out all of subsection 1 and inserting in its place the following:

'With the approval of the legislative body of the municipality, a municipal employee who is a certified disaster service volunteer of the American Red Cross may be granted a leave not to exceed 15 days in each year to participate in specialized disaster relief services for the American Red Cross, upon the request of the American Red Cross, without loss of pay, vacation time, sick leave or earned overtime accumulation. This

**COMMITTEE AMENDMENT**

section applies only to relief services related to a disaster declared by the governor of a state or territory or by the President of the United States.'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 39-A MRSA §102, sub-§11, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by amending subparagraphs (7) and (8) to read:

(7) An independent contractor; or

(8) Except as otherwise provided in section 401, if a person employs an independent contractor, any employee of the independent contractor is not considered an employee of that person for the purposes of this Act. The person who employs an independent contractor is not responsible for providing workers' compensation insurance covering the payment of compensation and benefits to the employees of the independent contractor. An insurance company may not charge a premium to any person for any employee excluded by this subparagraph; or

Sec. 4. 39-A MRSA §102, sub-§11, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by adding a new subparagraph (9) to read:

(9) A state or municipal employee while the employee is on assignment as a certified disaster service volunteer for the American Red Cross pursuant to Title 5, section 19-B or Title 30-A, section 2705. Duties performed while on a volunteer disaster relief assignment for the American Red Cross may not be considered a work assignment by a state agency or municipality.'

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

State departments and agencies may incur minor additional employee replacement costs if they allow certain employees to take administrative leave to respond to declared disasters. These costs can be absorbed within the existing budgeted resources of the affected departments and agencies.'

**SUMMARY**

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This amendment limits application of the bill to disasters declared by the governor of a state or territory or the President of the United States. It removes language relating to leave for fire or ambulance calls. It also clarifies that the state or local government granting the leave is not liable under workers' compensation laws for any injuries to the employee while on leave as a disaster service volunteer. The amendment also adds a fiscal note to the bill.