

MAINE STATE LEGISLATURE

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AUGUSTA, MAINE

L.D. 118

DATE: May 6, 1999

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 47, L.D. 118, Bill, "An Act to Exclude Claims for Intentional Criminal Acts from the Application of the Workers' Compensation Act of 1992"

Amend the bill in section 1 in the first indented paragraph in the last line (page 1, line 9 in L.D.) by inserting after the following: "253." the following: 'An insurer liable for compensation or benefits under this Act for such an injury or death has the same right of subrogation against the employer as the employer has against 3rd persons under section 107.'

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

'FISCAL NOTE

This bill will expose the State to lawsuits which are not permitted under current law and which are not currently covered under the State's liability insurance coverage. While few lawsuits of this type are expected to occur, the costs that would result could be significant and will increase the cost of liability insurance for all state departments and agencies. The amount of any General Fund, Highway Fund or other fund costs can not be determined at this time.

This bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.'

COMMITTEE AMENDMENT

RMS

COMMITTEE AMENDMENT "A" to S.P. 47, L.D. 118

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SUMMARY

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This amendment adds a right of subrogation for insurers against employers who commit intentional acts punishable as crimes against employees.