## MAINE STATE LEGISLATURE

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## 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

Legislative Document

No. 118

S.P. 47

In Senate, January 11, 1999

An Act to Exclude Claims for Intentional Criminal Acts from the Application of the Workers' Compensation Act of 1992.

Reference to the Committee on Labor suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator LaFOUNTAIN of York. Cosponsored by Senators: DOUGLASS of Androscoggin, MILLS of Somerset, MURRAY of Penobscot, RAND of Cumberland, TREAT of Kennebec, Representatives: SAXL of Bangor, THOMPSON of Naples.

DO IL CIIMCICA DI LIIC I CODIC DI LIIC DIMIC DI MAMINI MI IDILITI	e of Maine as follows:	State	of the	People	the	bv	enacted	Be it	1
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Sec. 1. 39-A MRSA §104, as amended by PL 1995, c. 297, §1, is further amended by adding at the end a new paragraph to read:

This section does not bar a separate tort action against the employer for injury or death caused by the employer's intentional acts that are punishable under Title 17-A, chapter 9 or Title 17-A, section 253.

## **SUMMARY**

This bill authorizes a civil suit against an employer outside of the Workers' Compensation Act of 1992 in limited circumstances. The Workers' Compensation Act of 1992 includes an "exclusivity clause" that provides that the Act is the exclusive remedy for almost all workplace injuries and deaths. This bill adds an exception to the exclusivity clause. If the employer engages in an intentional act that is punishable under the Maine Revised Statutes, Title 17-A, chapter 9, dealing with offenses against the person, or Title 17-A, section 253, dealing with gross sexual assault and the intentional act causes an injury or death, the Workers' Compensation Act is not the exclusive remedy, and a separate suit for damages against the employer is not prohibited.