

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1995

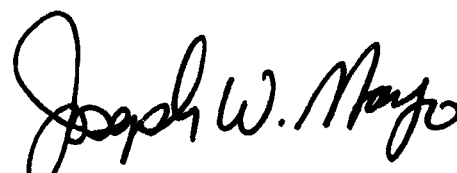
H.P. 1390

House of Representatives, March 23, 1999

**An Act to Clarify the Workers' Compensation Laws Regarding the  
Agricultural Laborer Exemption.**

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Reference to the Committee on Labor suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative PIEH of Bremen.  
Cosponsored by Senator KILKELLY of Lincoln and  
Representatives: CAMERON of Rumford, COWGER of Hallowell, CROSS of  
Dover-Foxcroft, FOSTER of Gray, KNEELAND of Easton, VOLENIK of Brooklin, Senator:  
KIEFFER of Aroostook.

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

4 **Sec. 1. 39-A MRSA §401, sub-§1, ¶C**, as amended by PL 1997, c.  
359, §1, is further amended to read:

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

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

22 (2) This exemption does not apply if the employer has  
24 employed more than 6 agricultural or aquacultural  
laborers, not including seasonal or casual laborers, in  
26 regular-and a concurrent manner for 240 man hours or  
more per week, as computed under subparagraph (1), at  
28 any time during the 52 weeks immediately preceding the  
injury.

30  
32 **SUMMARY**

34 This bill clarifies the exemption in workers' compensation  
36 law for agricultural and aquacultural laborers by specifying that  
an employer who has employed more than 6 laborers for 240 man  
38 hours or more per week is not entitled to the exemption.