

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 302, L.D. 380, Bill, "An Act to Restore an Injured Employee's Right to Sue an Employer for Damages"

Amend the amendment by striking out the substitute title and replacing it with the following:

'An Act Regarding an Employer's Willful Violation of Health or Safety Laws Resulting in Death of an Employee'

Further amend the amendment in section 1 in that part designated "~~§211-A.~~" by striking out all of the first 2 lines (page 1, lines 35 and 36 in amendment) and inserting in their place the following:

'§211-A. Increase in benefit for death caused by employer's violation of health or safety laws'

Further amend the amendment in section 1 in that part designated "~~§211-A.~~" by striking out all of subsections 1 and 2 and inserting in their place the following:

'Notwithstanding section 215, the percentage of after-tax wage payable as a benefit on behalf of an employee whose death is caused by the employer's willful violation of a health or safety law is 100% rather than the percentage specified in section 215. This section applies only if:

1. Private employers. The employer is found by the federal Occupational Safety and Health Administration to have willfully violated a standard adopted by that agency and listed in 29 United States Code, Chapter XVII and is cited for that violation; or


2 2. Public employers. The employer is an employer as
3 defined in Title 26, section 563 and the employer is cited by the
4 Department of Labor for willful violation of a rule adopted by
5 the Board of Occupational Safety and Health pursuant to Title 26,
6 section 565.'

8 **FISCAL NOTE**

9 The amendment would reduce the amount of the increase in the
10 workers' compensation rates paid by each state agency. The
11 specific increases to specific agencies and therefore the impact
12 to specific fund sources, i.e. General Fund, can not be
13 determined at this time. Any increase is estimated to be minor.

14 **SUMMARY**

15 This amendment limits the scope of Committee Amendment "A"
16 to cases in which death results from an employer's willful
17 violation of a standard adopted by the federal Occupational
18 Safety and Health Administration, and the employer has been cited
19 for such a violation. It also applies if the employer is the
20 State or other governmental employer and has been similarly cited
21 under the state standards comparable to OSHA. In such a case,
22 the death benefit payable is based on 100% of the employee's
23 after-tax wage rather than 80%.

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32 SPONSORED BY: 
(Representative MATTHEWS)

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34 TOWN: Winslow