

MAINE STATE LEGISLATURE

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

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 bill by striking out the title and substituting the following:

'An Act Regarding Employees Who are Seriously Injured by the Employer's Violation of Safety or Health Standards'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 39-A MRSA §211-A is enacted to read:

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

1. Increase in benefit. Notwithstanding section 212, 213 or 215, the percentage of after-tax average weekly wage due as a benefit payable to or on behalf of an employee whose serious injury, disease or death was caused by the employer's violation of a health or safety regulation is 100% rather than the percentage specified in those sections.

2. Violation. For purposes of this section, a serious injury, disease or death is caused by the employer's violation of a health or safety regulation if:

RS

2 A. Prior to the serious injury, disease or death, the
3 employer had notice of a safety or health hazard that
4 constituted a violation of the Occupational Safety and
5 Health Act of 1970, 29 United States Code, Section
6 654(a)(2); and

7 B. That safety or health hazard caused the serious injury,
8 disease or death.'

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

14 **FISCAL NOTE**

16 The bill would increase the workers' compensation weekly
17 benefit paid to certain workers. The State's costs are estimated
18 to increase approximately \$50,000 per year. This increase would
19 be reflected in the workers' compensation rates paid by each
20 state agency. The specific increases to specific agencies and
21 therefore the impact to specific fund sources (i.e. General Fund)
22 can not be determined at this time.'

24 **SUMMARY**

26 This amendment replaces the bill. Instead of allowing an
27 injured employee to sue the employer outside the workers'
28 compensation system, the amendment provides for an increase in
29 the percentage of wages payable as a benefit to an employee whose
30 serious injury, disease or death was caused by a health hazard
31 that constitutes a violation of the Occupational Safety and
32 Health Act, provided the employer had notice of the hazard prior
33 to the injury, disease or death. The amendment also adds a
34 fiscal note to the bill.