

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 757

H.P. 602

House of Representatives, February 13, 2001

**An Act to Amend the Maine Workers' Compensation Act of 1992 as it
Relates to Medical Payment Coverage.**

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SMITH of Van Buren.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: BRYANT of Dixfield, PATRICK of Rumford, SAVAGE of Buxton.

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

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Sec. 1. 39-A MRSA §102, sub-§17, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

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17. Private employer. "Private employer" includes corporations, including professional corporations, partnerships and natural persons. Any agricultural employer otherwise included under this Act is not included when harvesting 150 cords of wood or less each year from farm wood lots, provided that, in order to qualify for this exemption, the employer must be covered by an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than ~~\$1,000~~ \$25,000.

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Sec. 2. 39-A MRSA §401, sub-§1, ¶B, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

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B. Employers of employees engaged in agriculture or aquaculture as seasonal or casual laborers, if the employer maintains coverage by an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than ~~\$1,000~~ \$25,000.

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(1) As used in this subsection, "casual" means occasional or incidental. "Seasonal" refers to laborers engaged in agricultural or aquacultural employment beginning at or after the commencement of the planting or seeding season and ending at or before the completion of the harvest season; and

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Sec. 3. 39-A MRSA §401, sub-§1, ¶C, as repealed and replaced by PL 1999, c. 610, §1, is amended to read:

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C. Employers of agricultural or aquacultural laborers, if:

(3) The employer has 6 or fewer agricultural or aquacultural laborers or the employer has more than 6 such laborers but the total number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 at any time during the 52 weeks immediately preceding the injury; and

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(4) The employer maintains an employer's liability insurance policy with total limits of not less than \$100,000 multiplied by the number of full-time equivalent agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than ~~\$1,000~~ \$25,000.

2 For purposes of this paragraph, seasonal and casual workers,
immediate family members of unincorporated employers and
4 immediate family members of bona fide owners of at least 20%
of the voting stock of an incorporated employer are not
6 considered agricultural or aquacultural laborers.
"Immediate family members" means parents, spouses, brothers,
8 sisters and children.

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SUMMARY

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Under current law, employers of employees engaged in
14 agriculture or aquaculture are exempt from the provisions of the
Maine Workers' Compensation Act of 1992 if, among other things,
the employers maintain medical payment coverage of \$1,000. This
16 bill increases the required medical payment coverage to \$25,000.