

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2052

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H.P. 1549

House of Representatives, January 8, 2002

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**An Act to Clarify the Application of Workers' Compensation Coverage  
Requirements to Wood Harvesters.**

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Reported by Representative BUNKER for the Workers' Compensation Board pursuant to the Maine Revised Statutes, Title 39-A, section 152.

Reference to the Joint Standing Committee on Labor suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

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**Sec. 1. 39-A MRSA §102, sub-§11, ¶B-1**, as enacted by PL 1999, c. 364, §2, is amended to read:

B-1. "Employee" includes any person engaged in harvesting forest products, except the following persons, ~~as long as they meet the criteria for obtaining a certificate of independent status or a predetermination of independent contractor status:~~

(1) A person who contracts directly with the landowner if the person meets the criteria for obtaining a certificate of independent status or a predetermination of independent contractor status and:

(a) Performs all of the wood harvesting alone;

(b) Performs all of the wood harvesting alone or with the assistance of one or more of the following persons whose relationship with the person is that of spouse, parent, sibling, child, niece or nephew;

(c) Performs all of the wood harvesting alone or with the assistance of one or more other persons all covered by workers' compensation insurance; or

(d) Performs all of the wood harvesting alone or with the assistance of a partner when a legal partnership exists and neither partner acts as a supervisor of the other;

(2) A spouse, parent, sibling, child, niece or nephew of a person who contracts directly with the landowner to perform all of the wood harvesting alone or with the assistance of one or more of the following: the person's spouse, parent, sibling, child, niece or nephew; or

(3) A partner of a person who contracts directly with the landowner to perform all of the wood harvesting alone or with the assistance of a partner when a legal partnership exists and neither partner acts as a supervisor of the other.

Unless employed by a private employer, a person considered an employee under this paragraph shall obtain personal coverage in the same manner and under the same provisions as

2 a person described in paragraph B who elects to be covered  
by this Title.

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### **SUMMARY**

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8 This bill clarifies the application of workers' compensation  
coverage requirements to wood harvesters.