MAINE STATE LEGISLATURE

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another employee.

	L.D. 2202											
2	DATE: 4-9-02 (Filing No. H-11/6)											
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6	Reproduced and distributed under the direction of the Clerk of the House.											
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10	STATE OF MAINE HOUSE OF REPRESENTATIVES 120TH LEGISLATURE											
12	SECOND REGULAR SESSION											
14	HOUSE AMENDMENT "B" to S.P. 822, L.D. 2202, Bill, "An Act											
16	to Ensure that 25% of Workers' Compensation Cases with Permanent Impairment Remain Eligible for Duration-of-disability Benefits in											
18	Accordance With the Workers' Compensation Act"											
20	Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the											
22	following:											
24	'Sec. 1. 26 MRSA §§10 and 11 are enacted to read:											
26	§10. Liability of employer											
28	An employer is liable for any negligent act or omission of one of that employer's employees that proximately causes ar											
30	injury to another employee.											
32	§11. Liability of employee											
34	1. Liability of employee. With respect to an injury occurring in the course of an employee's employment:											
36) In amplement was the deemed to have account and the											
38	A. An employee may not be deemed to have assumed any risk inherent in that employment; and											
40	B. An employee may not be deemed to have been negligent in											

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a manner that contributes to that employee's injury.

2. Exception. Subsection 1 does not apply to an employee who intentionally causes an injury or death to that employee or

HOUSE AMENDMENT



HOUSE AMENDMENT " β " to S.P. 822, L.D. 2202

Sec. 2.	39-A	MRSA,	as	amended,	is	repealed.
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- Sec. 3. Legislative intent. In repealing the Maine Revised Statutes, Title 39-A, it is the intent of the Legislature to restore an employee's right to sue that employee's employer under
- 6 the common law, as modified by statute.
- Sec. 4. Application. Notwithstanding section 6, this Act applies to all matters in which an injury occurs on or after the effective date of this Act. Notwithstanding section 2 and section 6 of this Act, the provisions of the Maine Revised Statutes, Title 39-A apply to all matters in which an injury occurs before the effective date of this Act.

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- Sec. 5. Report out legislation. The joint standing committee of the Legislature having jurisdiction over labor matters is authorized to report out, to the First Regular Session of the 121st Legislature, legislation necessary to accomplish the transition necessitated by the repeal in section 2 of this Act of the Maine Revised Statutes, Title 39-A, including provision for administrative resolution of cases pending before the effective
- 22 date of this Act.
 - Sec. 6. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 39-A takes effect 90 days after adjournment of the First Regular Session of the 121st Legislature.'

28 **30**

FISCAL NOTE

and a

This amendment repeals the Workers' Compensation Act of 1992 and restores the right of an injured employee to sue that employee's employer effective 90 days after adjournment of the First Regular Session of the 121st Legislature.

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The Judicial Department will require significant additional General Fund appropriations to support the expected increase in caseload volume. The amounts required can not be determined at this time.

The reduction in Other Special Revenue funds allocations and dedicated revenue to the Workers' Compensation Board can not be determined at this time.

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SUMMARY

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This amendment accomplishes the following.

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HOUSE AMENDMENT

HOUSE AMENDMENT "B" to S.P. 822, L.D. 2202

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1.	Ιt	repeal	s	the	Workers	' Compens	ati	on .	Act	of	1992	and
restores	the	right	of	an	injured	employee	to	sue	tha	ιt	employe	∍e's
employer.	,											

2. It specifically provides that an employer is liable for any negligent act or omission of an employee that proximately causes an injury to another employee.

3. It provides that, except if an employee intentionally causes an injury or death, that employee may not be deemed to have assumed any risk or been contributorily negligent.

4. It specifies that all matters in which an injury occurs before the effective date of this Act are governed by Title 39-A; all such injuries occurring after the effective date of this Act are governed by the common law right to sue, as modified by statute.

5. It attaches a future effective date on the actual repeal of Title 39-A and authorizes the joint standing committee of the Legislature having jurisdiction over labor matters to report out legislation necessary to implement the transition necessitated by the repeal of Title 39-A, including provision for the administrative resolution of cases pending before the Workers' Compensation Board before the effective date of this Act.

SPONSORED BY:

(Representative PATRICK)

32 TOWN: Rumford