

# MAINE STATE LEGISLATURE

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DATE: 4-9-02

(Filing No. H-1114)

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

HOUSE AMENDMENT "B" to S.P. 822, L.D. 2202, Bill, "An Act to Ensure that 25% of Workers' Compensation Cases with Permanent Impairment Remain Eligible for Duration-of-disability Benefits in Accordance With the Workers' Compensation Act"

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

'Sec. 1. 26 MRSA §§10 and 11 are enacted to read:

**§10. Liability of employer**

An employer is liable for any negligent act or omission of one of that employer's employees that proximately causes an injury to another employee.

**§11. Liability of employee**

**1. Liability of employee.** With respect to an injury occurring in the course of an employee's employment:

A. An employee may not be deemed to have assumed any risk inherent in that employment; and

B. An employee may not be deemed to have been negligent in 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 another employee.

**HOUSE AMENDMENT**



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

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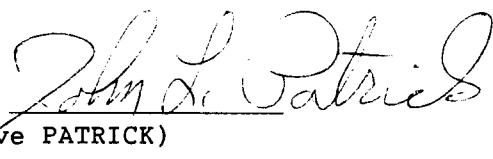
1. It repeals the Workers' Compensation Act of 1992 and restores the right of an injured employee to sue that employee's employer.

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.

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(Representative PATRICK)

TOWN: Rumford