

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1350

H.P. 992

House of Representatives, March 13, 2003

### An Act To Assist Seasonal Workers with Workers' Compensation

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Reference to the Committee on Labor suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative JACKSON of Fort Kent.  
Cosponsored by Senator EDMONDS of Cumberland and  
Representatives: HATCH of Skowhegan, HUTTON of Bowdoinham, PATRICK of Rumford,  
SMITH of Van Buren, WATSON of Bath.

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

4 **Sec. 1. 39-A MRSA §102, sub-§4, ¶C**, as enacted by PL 1991, c.  
885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

6 C. Notwithstanding paragraphs A and B, the average weekly  
8 wage of a seasonal worker is determined by dividing the  
employee's total wages, earnings or salary for the prior  
10 calendar year by 52.

12 (1) For the purposes of this paragraph, the term  
"seasonal worker" does not include any employee who is  
14 customarily employed, full time or part time, for more  
than 26 weeks in a calendar year. The employee need  
16 not be employed by the same employer during this period  
to fall within this exclusion.

18 ~~(2)---Notwithstanding---subparagraph---(1),---the---term~~  
20 ~~"seasonal-worker"--includes,--but-is-not-limited-to,--any~~  
~~employee-who-is-employed-directly-in-agriculture-or-in~~  
22 ~~the-harvesting-or-initial-hauling-of-forest-products,---~~

24 **SUMMARY**

26 This bill removes the provision in the workers' compensation  
law that makes agricultural, harvesting or forest products  
28 workers seasonal workers.