

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1618

H.P. 1197

House of Representatives, May 19, 2003

An Act To Clarify the Employment Status of Court Reporters, Stenographers and Videographers

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WATSON of Bath.
Cosponsored by Representatives: BENNETT of Caribou, NORBERT of Portland,
RICHARDSON of Brunswick, TARDY of Newport, Senator: EDMONDS of Cumberland.

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

4 **Sec. 1. 26 MRSA §1043, sub-§11, ¶F**, as corrected by RR 2001, c.
5 1, §40, is amended by amending subparagraphs (43) and (44) to
6 read:

7 (43) Services of an author in furnishing text or other
8 material to a publisher who:

9 (a) Does not control the author's work except to
10 propose topics or to edit material submitted;

11 (b) Does not restrict the author from publishing
12 elsewhere;

13 (c) Furnishes neither a place of employment nor
14 equipment for the author's use;

15 (d) Does not direct or control the time devoted
16 to the work; and

17 (e) Pays only for material that is accepted for
18 publication.

19 This exception does not apply if the employment is
20 subject to federal unemployment tax; and

21 (44) Services provided by an owner-operator of a truck
22 or truck tractor while leased to a motor carrier, as
23 defined in 49 Code of Federal Regulations, 390.5
24 (2000), as long as that employment is not subject to
25 federal unemployment tax; and

26 **Sec. 2. 26 MRSA §1043, sub-§11, ¶F**, as corrected by RR 2001, c.
27 1, §40, is amended by enacting subparagraph (45) to read:

28 (45) Services performed by an individual as a court
29 reporter, stenographer or videographer that include
30 recording or transcribing events such as hearings,
31 depositions and court proceedings.

32 **SUMMARY**

33 This bill clarifies that court reporters, stenographers and
34 videographers are independent contractors.