

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Date: 3/2/10

LABOR

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1212, L.D. 1711, Bill, "An Act To Clarify the Status of Prisoners"

Amend the bill by striking out all of section 3 (page 1, lines 13 to 24 in L.D.) and inserting the following:

Sec. 3. 26 MRSA §663, sub-§3, ¶L is enacted to read:

L. A person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except a prisoner who is:

- (1) Employed by a private employer;
- (2) Participating in a work release program;
- (3) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261;
- (4) Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761;
- (5) Employed while in a supervised community confinement program pursuant to Title 34-A, section 3036-A; or
- (6) Employed while in a community confinement monitoring program pursuant to Title 30-A, section 1659-A.

Sec. 4. 39-A MRSA §102, sub-§11, ¶E, as amended by PL 2009, c. 142, §17, is further amended to read:

E. "Employee" does not include any person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except in relation to compensable injuries suffered by the prisoner during incarceration and while the prisoner is:

R. of S.

- 1 (1) A prisoner in a county jail under final sentence of 72 hours or less and is
- 2 assigned to work outside of the county jail;
- 3 (2) Employed by a private employer;
- 4 (3) Participating in a work release program;
- 5 (4) Sentenced to imprisonment with intensive supervision under Title 17-A,
- 6 section 1261;
- 7 (5) Employed in a program established under a certification issued by the United
- 8 States Department of Justice under 18 United States Code, Section 1761; or
- 9 (6) Employed while in a supervised community confinement program pursuant
- 10 to Title 34-A, section 3036-A; or
- 11 (7) Employed while in a community confinement monitoring program pursuant
- 12 to Title 30-A, section 1659-A.

13 **Sec. 5. 39-A MRSA §203, sub-§1**, as amended by PL 2009, c. 142, §§18 to 20, is
14 further amended to read:

15 **1. Compensation while incarcerated.** Compensation for incapacity under section
16 212 or 213 or under any prior workers' compensation laws may not be paid to any person
17 during any period of incarceration imposed in this State or any other jurisdiction after
18 conviction of a criminal offense, except in relation to compensable injuries suffered
19 during incarceration and while the prisoner is:

- 20 A. Employed by a private employer;
- 21 B. Participating in a work release program;
- 22 C. Sentenced to imprisonment with intensive supervision under Title 17-A, section
- 23 1261;
- 24 D. Employed in a program established under a certification issued by the United
- 25 States Department of Justice under 18 United States Code, Section 1761; or
- 26 E. Employed while in a supervised community confinement program pursuant to
- 27 Title 34-A, section 3036-A;
- 28 F. A prisoner in a county jail under final sentence of 72 hours or less and is assigned
- 29 to work outside of a county jail; or
- 30 G. Employed while in a community confinement monitoring program pursuant to
- 31 Title 30-A, section 1659-A.'

32 **SUMMARY**

33 This amendment adds persons employed while in a community confinement
34 monitoring program to the list of persons protected by minimum wage law. It also adds
35 this same group to the definition of "employee" in the workers' compensation laws. The
36 amendment also conforms a section of workers' compensation law that deals with
37 incarcerated individuals to that definition.