

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

CHAPTER 674

H.P. 1365 - L.D. 1882

An Act Relating to Preranged Funerals
or Burial Plans

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

32 MRSA §1401, as amended by PL 1989, c. 450, §13, is further amended by adding before the last paragraph a new paragraph to read:

Nothing in this section may be construed as prohibiting any person, including a payor, from serving as a mortuary cotrustee with the payee.

See title page for effective date.

CHAPTER 675

S.P. 738 - L.D. 1942

An Act to Clarify the Definition of Employer
Under the Workers' Compensation Laws

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

Sec. 1. 39 MRSA §2, sub-§1-A, as amended by PL 1981, c. 283, §1, is further amended to read:

1-A. Private employer. The term "private employer" includes corporations, including professional corporations, partnerships and natural persons. Any agricultural employer otherwise included under this Act is not included when harvesting 150 cords of wood or less each year from farm wood lots, provided that, in order to qualify for this exemption, the employer must be covered by an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than \$1,000.

Sec. 2. 39 MRSA §2, sub-§5, ¶A, as amended by PL 1987, c. 737, Pt. C, §§101 and 106; and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. "Employee" includes officials of the State, counties, cities, towns, water districts and all other quasi-public corporations of a similar character, every duly elected or appointed executive officer of a private corporation, other than a charitable, religious, educational or other nonprofit corporation, and every person in the service of another under any contract of hire, express or implied, oral or written, except:

(1) Persons engaged in maritime employment or in interstate or foreign commerce,

who are within the exclusive jurisdiction of admiralty law or the laws of the United States; and persons operating as sternmen as defined in ~~Title 36, section 5102, subsection 8-A;~~

(2) Firefighters, including volunteer firefighters who are active members of a volunteer fire fighters' association, as defined in Title 30-A, section 3151; volunteer emergency medical ~~services' services~~ persons, as defined in Title 32, section 83, subsection 12; and ~~police officers~~ police officers shall be deemed employees within the meaning of this Act. In computing the average weekly wage of an injured volunteer firefighter or volunteer emergency services' person, the average weekly wage shall be taken to be the earning capacity of the injured employee in the occupation in which ~~he the employee~~ is regularly engaged. Employers who hire ~~workmen~~ workers within this State to work outside the State may agree with such ~~workmen~~ workers that the remedies under this Act shall be exclusive as regards injuries received outside this State arising out of and in the course of that employment; and all contracts of hiring in this State, unless otherwise specified, shall be presumed to include such an agreement. Any reference to an employee who has been injured shall, when the employee is dead, include ~~his~~ the employee's legal representatives, dependents and other persons to whom compensation may be payable;

(3) Notwithstanding any other provisions of this Act any charitable, religious, educational or other nonprofit corporation that may be or may become an assenting employer under this Act may cause any duly elected or appointed executive officer to be an employee of the corporation by specifically including the executive officer among those to whom the corporation secures payment of compensation in conformity with subchapter II; and the executive officer shall remain an employee of the corporation under this Act while such payment is so secured. With respect to any corporation that secures compensation by making a contract of workers' compensation insurance, specific inclusion of the executive officer in the contract shall cause the officer to be an employee of the corporation under this Act;

(4) Any person who ~~states, in writing a written statement~~ states, in writing a written statement to the commission, ~~that he~~ waives all the benefits and privileges provided by the workers' compensation laws, provided that the commission ~~shall have~~ has found that person to be a bona fide owner of at least 20% of the outstanding voting stock of the corporation by which ~~he~~ that person is employed or