



126th MAINE LEGISLATURE

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Legislative Document

No. 761

H.P. 512

House of Representatives, February 28, 2013

An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CRAY of Palmyra.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: BLACK of Wilton, DAVIS of Sangerville, GIFFORD of Lincoln,
TIMBERLAKE of Turner, Senators: CUSHING of Penobscot, THIBODEAU of Waldo.

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

2 **Sec. 1. 39-A MRSA §401, sub-§1, ¶C**, as amended by PL 2001, c. 235, §2, is
3 further amended to read:

4 C. Employers of agricultural or aquacultural laborers, if:

5 (3) The employer has 6 or fewer full-time agricultural or aquacultural laborers ~~or~~
6 ~~the employer has more than 6 such laborers but the total number of hours worked~~
7 ~~by all such laborers in a week does not exceed 240 and has not exceeded 240 at~~
8 ~~any time during the 52 weeks immediately preceding the injury;~~ and

9 (4) The employer maintains an employer's liability insurance policy with total
10 limits of not less than \$100,000 multiplied by the number of full-time equivalent
11 agricultural or aquacultural laborers employed by that employer and medical
12 payment coverage of not less than \$5,000.

13 For purposes of this paragraph, seasonal and casual workers, immediate family
14 members of unincorporated employers and immediate family members of bona fide
15 owners of at least 20% of the voting stock of an incorporated employer are not
16 considered agricultural or aquacultural laborers. "Immediate family members" means
17 parents, spouses, brothers, sisters and children.

18 **SUMMARY**

19 Currently, the laws governing workers' compensation exempt an employer of
20 agricultural or aquacultural laborers from securing the payment of compensation with
21 respect to its employees if the employer has 6 or fewer laborers or if the employer has
22 more than 6 laborers but the total number of hours worked by those laborers in a week
23 does not exceed 240. This bill instead specifies that an employer is exempt if the
24 employer has 6 or fewer full-time agricultural or aquacultural laborers.