



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 53

H.P. 28

House of Representatives, January 4, 2023

**An Act to Ensure Accountability for Workplace Harassment and
Assault by Removing Intentional Acts and Omissions from
Workers' Compensation Exemptions**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LEE of Auburn.
Cosponsored by Representative: LIBBY of Auburn.

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

2 **Sec. 1. 39-A MRSA §104, first ¶**, as amended by PL 2017, c. 402, Pt. C, §109 and
3 affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

4 An employer ~~who~~ that has secured the payment of compensation in conformity with
5 sections 401 to 407 is exempt from civil actions, either at common law or under sections
6 901 to 908; Title 14, sections 8101 to 8118; and Title 18-C, section 2-807, involving
7 personal injuries sustained by an employee arising out of and in the course of employment,
8 or for death resulting from those injuries. An employer that uses a private employment
9 agency for temporary help services is entitled to the same immunity from civil actions by
10 employees of the temporary help service as is granted with respect to the employer's own
11 employees as long as the temporary help service has secured the payment of compensation
12 in conformity with sections 401 to 407. "Temporary help services" means a service where
13 an agency assigns its own employees to a 3rd party to work under the direction and control
14 of the 3rd party to support or supplement the 3rd party's work force in work situations such
15 as employee absences, temporary skill shortages, seasonal work load conditions and special
16 assignments and projects. These exemptions from liability apply to all employees,
17 supervisors, officers and directors of the employer for any personal injuries arising out of
18 and in the course of employment, or for death resulting from those injuries. These
19 exemptions also apply to occupational diseases sustained by an employee or for death
20 resulting from those diseases. These exemptions do not apply to an illegally employed
21 minor as described in section 408, subsection 2. These exemptions do not apply to an
22 intentional act or omission.

23

SUMMARY

24 This bill removes intentional acts and omissions from the exemptions from civil action
25 related to damages sustained by an employee when an employer has secured payment of
26 workers' compensation.