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An Act To Modify the Laws Regarding Status as an Independent Contractor

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

Sec. 1. 26 MRSA §1043, sub-§11, ¶E, as amended by PL 1979, c. 651, §45, is further amended to read:

E. Services performed by an individual for remuneration ~~shall be deemed~~ are considered to be employment subject to this chapter unless ~~and until~~ it is shown to the satisfaction of the bureau that the individual has been and will continue to be free from control or direction over the performance of such services, both under the individual's contract of service and in fact, and:

~~(1) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact;~~

(2) Such service is either outside the usual course of the business for which such service is performed; ~~or that~~ such service is performed outside of all the places of business of the enterprise for which such service is performed; ~~and~~ or

~~(3) Such~~ That individual is customarily engaged in an independently established trade, occupation, profession or business.

SUMMARY

This bill defines services provided by an individual to be employment subject to the unemployment compensation laws unless the individual is free from control or direction in performing the services and either:

1. The service is outside the usual course of business or is performed outside of the place of business;
or
2. The individual is engaged in an independently established trade or occupation.