



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 819

H.P. 593

House of Representatives, February 14, 2019

**An Act To Enhance the Predetermination of Independent
Contractors**

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

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative SYLVESTER of Portland.

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

2 **Sec. 1. 39-A MRSA §105, sub-§3**, as amended by PL 2013, c. 63, §4, is further
3 amended to read:

4 **3. Predetermination submission.** A party may submit, on forms approved by the
5 board, a request for predetermination regarding the status of a person or job description as
6 an employee, construction subcontractor, as defined in section 105-A, subsection 1,
7 paragraph B, or independent contractor. If the party submitting a request under this
8 subsection is a worker, the submission must include every miscellaneous income form
9 provided by the United States Department of the Treasury, Internal Revenue Service
10 received by the party for the previous calendar year or, if the party did not receive a
11 miscellaneous income form for the previous calendar year, an explanation as to why the
12 party did not receive a miscellaneous income form. The request is deemed to have been
13 approved if the board does not deny or take other appropriate action on the submission
14 within 30 days.

15 **SUMMARY**

16 This bill requires a worker who is requesting predetermination of independent
17 contractor status from the Workers' Compensation Board to submit all of the
18 miscellaneous income forms provided by the United States Department of the Treasury,
19 Internal Revenue Service received by the worker for the previous calendar year or, if the
20 worker did not receive a miscellaneous income form for the previous year, an explanation
21 as to why the worker did not receive a form.