

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 3 (page 1, lines 13 to 24 in L.D.) and inserting the following:

**Sec. 3. 26 MRSA §663, sub-§3, ¶L** is enacted to read:

L. A person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except a prisoner who is:

(1) Employed by a private employer;

(2) Participating in a work release program;

(3) Sentenced to imprisonment with intensive supervision under Title 17A, section 1261;

(4) Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761;

(5) Employed while in a supervised community confinement program pursuant to Title 34A, section 3036A; or

(6) Employed while in a community confinement monitoring program pursuant to Title 30A, section 1659A.

**Sec. 4. 39-A MRSA §102, sub-§11, ¶E**, as amended by PL 2009, c. 142, §17, is further amended to read:

E. "Employee" does not include any person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except in relation to compensable injuries suffered by the prisoner during incarceration and while the prisoner is:

(1) A prisoner in a county jail under final sentence of 72 hours or less and is assigned to work outside of the county jail;

(2) Employed by a private employer;

(3) Participating in a work release program;

(4) Sentenced to imprisonment with intensive supervision under Title 17A, section 1261;

(5) Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761; or

(6) Employed while in a supervised community confinement program pursuant to Title 34A, section 3036A; or

(7) Employed while in a community confinement monitoring program pursuant to Title 30A, section 1659A.

**Sec. 5. 39-A MRSA §203, sub-§1**, as amended by PL 2009, c. 142, §§18 to 20, is further amended to read:

**1. Compensation while incarcerated.** Compensation for incapacity under section 212 or 213 or under any prior workers' compensation laws may not be paid to any person during any period of incarceration imposed in this State or any other jurisdiction after conviction of a criminal offense, except in relation to compensable injuries suffered during incarceration and while the prisoner is:

A. Employed by a private employer;

B. Participating in a work release program;

C. Sentenced to imprisonment with intensive supervision under Title 17A, section 1261;

D. Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761; or

E. Employed while in a supervised community confinement program pursuant to Title 34A, section 3036A;

F. A prisoner in a county jail under final sentence of 72 hours or less and is assigned to work outside of a county jail; or

G. Employed while in a community confinement monitoring program pursuant to Title 30A, section 1659A.'

## SUMMARY

This amendment adds persons employed while in a community confinement monitoring program to the list of persons protected by minimum wage law. It also adds this same group to the definition of "employee" in the workers' compensation laws. The amendment also conforms a section of workers' compensation law that deals with incarcerated individuals to that definition.