

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

An Act To Clarify the Status of Prisoners

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

Sec. 1. 26 MRSA §663, sub-§3, ¶J, as amended by PL 2007, c. 22, §2, is further amended to read:

J. Members of the family of the employer who reside with and are dependent upon the employer; **and**

Sec. 2. 26 MRSA §663, sub-§3, ¶K, as amended by PL 2005, c. 255, §1, is further amended to read:

K. A salaried employee who works in a bona fide executive, administrative or professional capacity and whose regular compensation, when converted to an annual rate, exceeds 3000 times the State's minimum hourly wage or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher; and

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.

Effective 90 days following adjournment of the 124th
Legislature, Second Regular Session, unless otherwise indicated.