



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1420

S.P. 437

In Senate, April 6, 2011

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

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator THIBODEAU of Waldo.

Cosponsored by Senators: DIAMOND of Cumberland, HASTINGS of Oxford, MARTIN of Kennebec, Representatives: CROCKETT of Bethel, TIMBERLAKE of Turner.

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

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

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

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

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

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

17 **SUMMARY**

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

21 1. The service is outside the usual course of business or is performed outside of the
22 place of business; or

23 2. The individual is engaged in an independently established trade or occupation.