

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 762

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*House of Representatives, March 28, 1911.*

*Reported by Messrs. Pelletier and Pattangall from Committee  
on Legal Affairs and ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND ELEVEN.

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AN ACT relating to the liability of employers to make compensation for personal injuries suffered by employees.

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

Section 1. Every corporation or company which may employ agents, servants or employees shall be liable to respond in damages for injuries or death sustained by any such agent, servant, or employee, resulting from the carelessness, omission of duty or negligence of such employer, or which may have resulted from the carelessness, omission of duty or negligence of any agent, servant, or employee of the said employer, or by reason of any defect or insufficiency in the ways, works, plant, tools, machinery, buildings, or premises, in use by, or in possession of such employer, due to the

11 carelessness, omission of duty, or negligence of such em-  
12 ployer or any of his agents, servants, or employees.

Sect. 2. The fact that the employee continued in the ser-  
2 vice of such employer in the same place and course of em-  
3 ployment after the discovery by such employee, or after he  
4 had been informed of the danger of personal injury there-  
5 from shall not bar a recovery, but said employee or his per-  
6 sonal representatives shall have the same rights to compen-  
7 sation and of action against such employer as if he had not  
8 been an employee, nor in the service, nor engaged in the  
9 work of such employer.

Sect. 3. If an employer enters into a contract, written or  
2 verbal, with an independent contractor to do all or any part  
3 of such employer's work, or if such contractor enters into  
4 a contract with a sub-contractor to do all or any part of the  
5 work comprised in such contractor's contract with the em-  
6 ployer, such contract or sub-contract shall not bar the lia-  
7 bility of the employer for injuries to the employee of such  
8 contractor or sub-contractor caused by any defect or insuffi-  
9 ciency in the condition of the ways, works, plant, tools, ma-  
10 chinery, buildings or premises, if they are the property of  
11 the employer, or are furnished by him, and if such defect  
12 or insufficiency arose, or had not been discovered or remedied  
13 through the negligence of the employer, or of some person  
14 intrusted by him with the duty of seeing that they were in  
15 proper condition.

Sect. 4. No contract of employment, insurance, relief

2 benefit, or indemnity of injury or death, entered into by or  
3 in behalf of any employee, nor the acceptance of any such  
4 insurance, relief benefit, or indemnity by the person entitled  
5 thereto, shall constitute any bar or defense to any action  
6 brought to recover damages for personal injuries to or death  
7 of such employee, provided, however, that upon the trial  
8 of such action against any employer, the defendant may set  
9 off therein any sum it has contributed toward any such in-  
10 surance, relief benefit, or indemnity that may have been paid  
11 to the injured employee, or in case of his death to his per-  
12 sonal representatives.

Sect. 5. Whenever the death of an agent, servant, or em-  
2 ployee occurs, instantaneous or otherwise, and under the  
3 provisions of this act an action might have been maintained  
4 had death not ensued, the personal representatives of such  
5 deceased person may maintain an action, the amount recov-  
6 ered to be for the exclusive benefit of the widow, if no chil-  
7 dren, and of the children, if no widow, and if both, then of  
8 her and them equally, and, if neither, of his heirs. A wid-  
9 ower shall be entitled to the same shares as a widow in any  
10 damages recovered for the death of his wife.

Sect. 6. No action shall be maintained under this act, un-  
2 less commenced within two years from the time the cause of  
3 action accrued, and notice of the time, place, and cause of  
4 the accident shall be given by the injured person or someone  
5 in his behalf to the employer within four months from the  
6 date of the accident, unless incapacity prevents, in which

7 event, notice shall be given by some person in behalf of the  
8 injured person within six months of the accident.

Sect. 7. Nothing in this act shall be construed to abridge  
2 any common law rights or remedies which the employee  
3 may have against his employer, but a judgment recovered  
4 under the provisions of this act, or a settlement of any action  
5 commenced or claim made for death or injury, under the  
6 provisions of this act, shall be a bar to any claim made or  
7 action begun to recover for the same injury or the same  
8 death, under the provisions of the common law or under the  
9 provisions of any other statute.

Sect. 8. All acts or parts of acts inconsistent herewith are  
2 hereby repealed.