

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 67

House of Representatives, Jan. 30, 1919.

Introduced by Mr. Murray of Portland. Tabled for printing pending reference to a committee and 2500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Murray of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT to Amend Sections Nine, Ten, Twelve, Thirteen, Fourteen, Fifteen and Sixteen of Chapter Fifty of the Revised Statutes, Relating to Compensation for Personal Injuries for Employees.

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

Section 1. Section nine of chapter fifty, of the revised
2 statutes, is hereby amended by striking out the words "two
3 weeks" in the third line and inserting in place thereof the
4 words 'seven days,' and by striking out in the fourth line
5 the words "two weeks" and inserting in place thereof the
6 words 'seven days,' and by striking out the word "fifteenth"

7 in the fifth line and inserting in place thereof the word
8 'eighth'; so that said section as amended shall read as fol-
9 lows:

'Sect. 9. No compensation except as provided by section
2 ten of this act shall be paid under this act for any injury
3 which does not incapacitate the employee for a period of
4 at least seven days from earning full wages, but, if such
5 capacity extends beyond the period of seven days, com-
6 pensation shall begin on the eighth day after the injury.'

Sect. 2. Section ten of chapter fifty, of the revised stat-
2 utes, is hereby amended by striking out the words preced-
3 ing the word "after" in the first line, and by striking out
4 the part of said section beginning at and including the
5 word "but" in the third line, and ending with and including
6 the word "required" in the fifth line, and by inserting after
7 the word "medical" in the second line the word 'surgical,'
8 and by inserting after the word "medical" in the sixth line
9 the words 'surgical and hospital,' and by adding in the
10 eighth line the following sentence: 'The injured employee
11 may select the attending physician,' so that said section as
12 amended shall read as follows:

'Sect. 10. After the injury, the employer shall furnish
2 reasonable medical, surgical and hospital services, and med-
3 icines when they are needed; and the employer and em-
4 ployee being unable to agree upon the same, the amount
5 to be allowed for such medical, surgical and hospital serv-
6 ices shall be fixed by the commission upon petition of either

7 party setting forth the facts. The injured employee may
8 select the attending physician.'

Sect. 3. Section twelve of chapter fifty, of the revised
2 statutes, is hereby amended by striking out the words "one-
3 half" in the fourth line and inserting in place thereof the
4 words 'two-thirds,' and by striking out the word "ten" in
5 the fifth line and inserting in place thereof the word 'fif-
6 teen,' and by striking out the words beginning and includ-
7 ing the word "nor" in the fifth line and ending with and
8 including the word "dollars" in the sixth line, so that said
9 section as amended shall read as follows:

'Sect. 12. If death results from the injury, the employer
2 shall pay the dependents of the employee wholly dependent
3 upon his earnings for support at the time of his injury, a
4 weekly payment equal to two-thirds of his average weekly
5 wages, earnings or salary, but not more than fifteen dollars
6 a week, for a period of three hundred weeks from the date
7 of the injury; provided, however, that if the dependent of
8 the employee to whom the compensation shall be payable
9 upon his death is the widow of such employee, upon her
10 death the compensation thereafter payable under this act
11 shall be paid to the child or children of the deceased em-
12 ployee, including adopted and step-children, under the age
13 of eighteen years, or over said age but physically or men-
14 tally incapacitated from earning, who are dependent upon
15 the widow at the time of her death. In case there is more
16 than one child thus dependent, the compensation shall be

17 divided equally among them. If the employee leaves de-
18 pendants only partly dependent upon his earnings for sup-
19 port at the time of his injury, the employer shall pay such
20 dependents for a period of three hundred weeks from the
21 date of the injury a weekly compensation equal to the same
22 proportion of the weekly payments herein provided for the
23 benefit of persons wholly dependent as the amount con-
24 tributed annually by the employee to such partial depend-
25 ents bears to the annual earnings of the deceased at the
26 time of injury. When weekly payments have been made
27 to an injured employee before his death, the compensation
28 to dependents shall begin from the date of the last of such
29 payments, but shall not continue more than three hundred
30 weeks from the date of the injury; provided, however, that
31 if the deceased leaves no dependents at the time of the in-
32 jury, the employer shall not be liable to pay compensation
33 under this act except as specifically provided in the follow-
34 ing section.'

Sect. 4. Section thirteen of chapter fifty, of the revised
2 statutes, is hereby amended by striking out the word "two"
3 in the fourth line and inserting in place thereof the word
4 'three,' so that said section as amended shall read as fol-
5 lows:

'Sect. 13. If the employee dies as the result of the in-
2 jury, leaving no dependents at the time of the injury, the
3 employer shall pay, in addition to any compensation pro-
4 vided for in this act, the reasonable expense of his sickness

5 and burial, which shall not exceed three hundred dollars.'

Sect. 5. Section fourteen of chapter fifty, of the revised
2 statutes, is hereby amended by striking out the words "one-
3 half" in the third line and inserting in place thereof the
4 words 'two-thirds,' and by striking out the word "ten" in
5 the fourth line and inserting in place thereof the word 'fif-
6 teen,' and by striking out the words beginning with and
7 including the word "nor" and ending with and including
8 the word "dollars" in the fourth line, and by striking out
9 the words "three thousand" in the seventh line and insert-
10 ing in place thereof the words 'four thousand five hun-
11 dred'; so that said section as amended shall read as fol-
12 lows:

'Sect. 14. While the incapacity for work, resulting from
2 this injury is total, the employer shall pay the employee
3 a weekly compensation equal to two-thirds of his average
4 weekly wages, earnings or salary, but not more than fif-
5 teen dollars a week; and in no case shall the period cov-
6 ered by such compensation be greater than five hundred
7 weeks from the date of the injury, nor the amount more
8 than four thousand five hundred dollars. In the following
9 cases it shall for the purpose of this act, be conclusively
10 presumed that the injury resulted in permanent total dis-
11 ability, to wit: The total and irrevocable loss of sight in
12 both eyes, the loss of both feet at or above the ankle, the
13 loss of both hands at or above the wrists, the loss of one
14 hand and one foot, an injury to the spine resulting in per-

15 manent and complete paralysis of the legs or arms and
16 an injury to the skull resulting in incurable imbecility or
17 insanity.'

Sect. 6. Section fifteen of chapter fifty, of the revised
2 statutes, is hereby amended by striking out the words "one-
3 half" in the third line and inserting in place thereof the
4 words 'two-thirds,' and by striking out the word "ten" in
5 the sixth line and inserting in place thereof the word 'fif-
6 teen'; so that said section as amended shall read as fol-
7 lows:

'Sect. 15. While the incapacity for work resulting from
2 the injury, is partial, the employer shall pay the injured
3 employee a weekly compensation, equal to two-thirds the
4 difference between his average weekly wages, earnings or
5 salary before the injury, and the average weekly wages
6 earnings or salary, which he is able to earn thereafter, but
7 not more than fifteen dollars a week and in no case shall
8 the period covered by said compensation be greater than
9 three hundred weeks from the date of the injury.'

Sect. 7. Section sixteen of chapter fifty, of the revised
2 statutes, is hereby amended by striking out all of said sec-
3 tion after the words "to wit" in the ninth line and inserting
4 in place thereof the following:

'For the loss of a thumb, two-thirds of the average weekly
2 wages during fifty weeks.

'For the loss of the first finger, commonly called the index

2 finger, two-thirds the average weekly wages during thirty
3 weeks.

‘For the loss of the second finger, two-thirds the average
2 weekly wages during twenty-five weeks.

‘For the loss of the third finger, two-thirds the average
2 weekly wages during eighteen weeks.

‘For the loss of the fourth finger, commonly called the
2 little finger, two-thirds the average weekly wages during
3 fifteen weeks.

‘The loss of the first phalange of the thumb or of any
2 finger shall be considered to be equal to the loss of one-
3 half of said thumb or finger, and the compensation shall
4 be one-half the amount above specified. The loss of more
5 than one phalange shall be considered as a loss of the en-
6 tire thumb or finger; provided, however, that in no case
7 shall the amount received for the loss of more than finger
8 exceed the amount specified in this schedule for the loss
9 of a hand.

‘For the loss of the great toe, two-thirds the average week-
2 ly wages during twenty-five weeks.

‘For the loss of one of the toes, other than the great toe,
2 two-thirds the average weekly wages during ten weeks.

‘The loss of the first phalange of any toe shall be con-
2 sidered to be equal to the loss of one-half of said toe and
3 the compensation shall be one-half of the amount above
4 specified. The loss of more than one phalange shall be
5 considered as a loss of the entire toe.

‘For the loss of a hand, two-thirds the average weekly
2 wages during one hundred and twenty-five weeks.

‘For the loss of an arm, or any part above the wrist, two-
2 thirds the average weekly wages during one hundred fifty
3 weeks.

‘For the loss of a leg, or any part above the ankle, two-
2 thirds the average weekly wages during one hundred fifty
3 weeks.

‘For the loss of a foot, two-thirds the average weekly
wages for one hundred and twenty-five weeks.

‘For the loss of an eye or the reduction of the sight of
2 an eye, with glasses, to one-tenth of the normal vision,
3 two-thirds the average weekly wages during one hundred
4 weeks.

‘The amounts specified in this section are all subject to
2 the same limitations as to maximum amounts, that is, of
3 not more than fifteen dollars a week, as provided for total
4 or partial disability’; so that said section as amended, shall
5 read as follows:

‘Sect. 16. In cases included on the following schedule the
2 disability in each such case shall be deemed to be total for
3 the period specified and after such specified period if there
4 be a partial incapacity for work resulting from the injury
5 specified, the employee shall receive compensation while
6 such partial incapacity continues under the provisions of
7 section fifteen, but in no case shall compensation continue
8 more than three hundred weeks after the injury. The com-

9 pensionation to be paid for the injuries hereinafter specified
10 shall be as follows: to wit:

For the loss of a thumb, two-thirds of the average weekly
2 wages during fifty weeks.

For the loss of the first finger, commonly called the index
2 finger, two-thirds the average weekly wages during thirty
3 weeks.

For the loss of the second finger, two-thirds the average
2 weekly wages during twenty-five weeks.

For the loss of a third finger, two-thirds the average week-
2 ly wages during eighteen weeks.

For the loss of the fourth finger, commonly called the lit-
2 tle finger, two-thirds the average weekly wages during fif-
3 teen weeks.

The loss of the first phalange of the thumb or of any fin-
2 ger shall be considered to be equal to the loss of one-half of
3 said thumb or finger, and the compensation shall be one-
4 half the amount above specified. The loss of more than one
5 phalange shall be considered as a loss of the entire thumb or
6 finger; provided, however, that in no case shall the amount
7 received for the loss of more than one finger exceed the
8 amount specified in this schedule for the loss of a hand.

For the loss of the great toe, two-thirds the average week-
2 ly wages during twenty-five weeks.

The loss of the first phalange of any toe shall be considered
2 to be equal to the loss of one-half of said toe and the com-
3 pensation shall be one-half of the amount above specified.

4 The loss of more than one phalange shall be considered as
5 a loss of the entire toe.

For the loss of a hand, two-thirds the average weekly
2 wages during one hundred and twenty-five weeks.

For the loss of an arm or any part above the wrist, two-
2 thirds the average weekly wages during one hundred fifty
3 weeks.

For the loss of a leg or any part above the ankle, two-
2 thirds the average weekly wages during one hundred fifty
3 weeks.

For the loss of a foot, two-thirds the average weekly wages
2 for one hundred and twenty-five weeks.

For the loss of an eye or the reduction of the sight of an
2 eye, with glasses, to one-tenth of the normal vision, two-
3 thirds the average weekly wages during one hundred weeks.

The amounts specified in this section are all subject to
2 the same limitations as to maximum amounts, that is, of not
3 more than fifteen dollars a week, as provided for total or
4 partial disability."