

# MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

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HOUSE

NO. 126

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House of Representatives, Feb. 7, 1919.

Tabled pending reference to a committee by Mr. Barnes of Houlton and 500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Barnes of Houlton.

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STATE OF MAINE

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

---

AN ACT to Amend Chapter Fifty of the Revised Statutes,  
Entitled Compensation for Personal Injuries to Employees.

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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 shall be amended by the substitution of the words  
3 'ten days' for the words "two weeks," and the word 'elev-  
4 enth' for the word "fifteenth," and by the insertion before  
5 the words "compensation shall begin," of the following:  
6 'and does not exceed forty days'; and by the addition to  
7 the section of the following words: 'and if such incapacity  
8 extends beyond the period of forty days, compensation shall  
9 begin on the day of the injury,' so that said section as  
10 amended shall read as follows:

'Sect. 9. EMPLOYEES SHALL BE INCAPACITATED  
2 TEN DAYS BEFORE COMPENSATION. No compen-  
3 sation except as provided by section ten of this act shall  
4 be paid under this act for any injury which does not inca-  
5 pacitate the employee for a period of at least ten days from  
6 earning full wages, but, if such incapacity extends beyond  
7 a period of ten days and does not exceed forty days, com-  
8 pensation shall begin on the eleventh day after the injury,  
9 and if such incapacity extends beyond the period of forty  
10 days, compensation shall begin on the day of the injury.'

Sect. 2. Section ten of said chapter fifty is hereby re-  
2 pealed and for it the following section is hereby substituted:

'Sect. 10. EMPLOYER SHALL FURNISH MEDICAL  
2 AID. During the first ten days after the injury the em-  
3 ployer shall furnish reasonable medical and hospital serv-  
4 ices, and nursing and medicines when they are needed, but  
5 the amount of the charges for such services, nursing and  
6 medicines which the employer may be required to pay, shall  
7 not exceed the sum of fifty dollars; except that, in the event  
8 of grave injury or of the need of a major surgical opera-  
9 tion, nothing herein shall be held to prevent an agreement  
10 between employer and employee upon a time of treatment  
11 longer than ten days, and the payment by the employer  
12 of charges in excess of fifty dollars; and if, in any case,  
13 the employer and employee are unable to agree upon the  
14 charges which the employer shall pay, said amount shall  
15 be fixed by the chairman or the associate legal member of

16 the commission, and confirmed by decree, after hearing upon  
17 petition of either party.'

Sect. 3. Section twelve of said chapter fifty shall be  
2 amended by the substitution of the words 'two-thirds' for  
3 the words "one-half" in said section, so that section as  
4 amended shall read:

'Sect. 12. EMPLOYER'S LIABILITY FOR DEATH.  
2 If death results from the injury, the employer shall pay  
3 the dependents of the employee wholly dependent upon his  
4 earnings for support at the time of his injury a weekly  
5 payment equal to two-thirds his average weekly wages,  
6 earnings, or salary, but not more than ten dollars nor less  
7 than four dollars a week, for a period of three hundred  
8 weeks from the date of the injury; provided, however, that  
9 if the dependent of the employee to whom the compensation  
10 shall be payable upon his death is the widow of such em-  
11 ployee, upon her death the compensation thereafter payable  
12 under this act shall be paid to the child or children of the  
13 deceased employee, including adopted and step-children, un-  
14 der the age of eighteen years, or over said age but physi-  
15 cally or mentally incapacitated from earning, who are de-  
16 pendent upon the widow at the time of her death. In case  
17 there is more than one child thus dependent, the compen-  
18 sation shall be divided equally among them. If the em-  
19 ployee leaves dependents only partly dependent upon his  
20 earnings for support at the time of his injury, the employer  
21 shall pay such dependents for a period of three hundred

22 weeks from the date of the injury a weekly compensation  
23 equal to the same proportion of the weekly payments here-  
24 in provided for the benefit of persons wholly dependent as  
25 the amount contributed annually by the employee to such  
26 partial dependents bears to the annual earnings of the de-  
27 ceased at the time of injury. When weekly payments have  
28 been made to an injured employee before his death, the  
29 compensation to dependents shall begin from the date of  
30 the last of such payments, but shall not continue more than  
31 three hundred weeks from the date of the injury. Pro-  
32 vided, however, that if the deceased leaves no dependents  
33 at the time of the injury, the employer shall not be liable  
34 to pay compensation under this act except as specifically  
35 provided in the following section.'

Sect. 4. Section fourteen of said chapter fifty shall be  
2 amended by substituting the words 'two-thirds' for the  
3 words "one-half"; by striking out the words "nor the  
4 amount more than three thousand dollars," and by the ad-  
5 dition to said paragraph of the following: 'provided, how-  
6 ever, that the foregoing enumeration of injuries shall not  
7 be held to be exclusive, but the compensation provided in  
8 this section shall apply to other injuries which may in fact  
9 result in total permanent disability,' so that said section as  
10 amended shall read as follows:

'Sect. 14. COMPENSATION FOR TOTAL DISABIL-  
2 ITY; TOTAL DISABILITY, HOW DETERMINED.  
3 While the incapacity for work resulting from the injury

4 is total, the employer shall pay the injured employee a  
5 weekly compensation equal to two-thirds his average week-  
6 ly wages, earnings or salary, but not more than ten dollars  
7 nor less than four dollars a week; and in no case shall the  
8 period covered by such compensation be greater than five  
9 hundred weeks from the date of the injury. In the follow-  
10 ing cases it shall, for the purposes of this act, be conclu-  
11 sively presumed that the injury resulted in permanent total  
12 disability, to wit: the total and irrevocable loss of sight  
13 in both eyes, the loss of both feet at or above the ankle,  
14 the loss of both hands at or above the wrist, the loss of  
15 one hand and one foot, an injury to the spine resulting in  
16 permanent and complete paralysis of the legs or arms and  
17 an injury to the skull resulting in incurable imbecility or  
18 insanity; provided, however, that the foregoing enumera-  
19 tion of injuries shall not be held to be exclusive, but the  
20 compensation provided in this section shall apply to other  
21 injuries which may in fact result in total permanent dis-  
22 ability.'

Sect. 5. Section fifteen of said chapter fifty shall be  
2 amended by substituting the words 'two-thirds' for the  
3 words "one-half" in said section and said section as amend-  
4 ed shall read as follows:

'Sect. 15. COMPENSATION FOR PARTIAL DISA-  
2 BILITY. While the incapacity for work resulting from  
3 the injury is partial, the employer shall pay the injured  
4 employee a weekly compensation equal to two-thirds the

5 difference between his average weekly wages, earnings or  
6 salary, before the injury and the average weekly wages,  
7 earnings or salary which he is able to earn thereafter, but  
8 not more than ten dollars a week; and in no case shall the  
9 period covered by such compensation be greater than three  
10 hundred weeks from the date of the injury.'

Sect. 6. Section sixteen of said chapter fifty shall be  
2 amended by the substitution of the words 'two-thirds' for  
3 the words "one-half" wherever the words occur in said  
4 section and by the addition to said section of the following  
5 paragraphs:

'In all other cases in this class, or where the usefulness  
2 of a member or any physical function is permanently im-  
3 paired, the compensation shall bear such relation to the  
4 amounts stated in the above schedule as the disabilities bear  
5 to those produced by the injuries named in this schedule.

'When by reason of infection or other cause not due to  
2 the neglect or misconduct of the injured employee, and he  
3 is actually disabled longer than the time specified in the  
4 foregoing schedule from earning a wage, compensation shall  
5 be paid such employee for such loss of wage within the  
6 limits otherwise provided.

'If an employee is seriously permanently disfigured about  
2 the face, head or neck, the commission may allow such  
3 sum for compensation on account thereof as it may deem  
4 just, not exceeding seven hundred fifty dollars, which shall  
5 be in addition to any compensation by this chapter pro-  
6 vided.

'In case of permanent injury to an employee who is over  
2 fifty-five years of age, the compensation given him shall  
3 be reduced by five per cent; in case he is over sixty years  
4 of age, by ten per cent; in case he is over sixty-five years  
5 of age, by fifteen per cent.'

Said section as amended shall read:

'Sect. 16. SCHEDULE OF ACCIDENTS, PROVIDED  
2 FOR. In cases included in the following schedule the dis-  
3 ability in each such case shall be deemed to be total for the  
4 period specified and after such specified period, if there be  
5 a partial incapacity for work resulting from the injury  
6 specified, the employee shall receive compensation while  
7 such partial incapacity continues under the provisions of  
8 section fifteen, but in no case shall compensation continue  
9 more than three hundred weeks after the injury. The com-  
10 pensation to be paid for the injuries hereinafter specified  
11 shall be as follows, to wit:

'For the loss of a thumb, two-thirds 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 phalange of the thumb or of any finger,  
2 shall be considered to be equal to the loss of one-half of  
3 said thumb or finger, and the compensation shall be two-  
4 thirds the amount above specified. The loss of more than  
5 one phalange shall be considered as a loss of the entire  
6 thumb or finger; provided however, that in no case shall  
7 the amount received for the loss of more than one 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 consid-  
2 ered to be equal to the loss of one-half of said toe and the  
3 compensation shall be two-thirds of the amount above speci-  
4 fied.

‘The loss of more than one phalange shall be considered  
2 as the loss of the entire toe.

‘For the loss of a hand, two-thirds the average weekly  
2 wages during one hundred 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 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, 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 and minimum amounts,  
3 that is, of not more than ten and not less than four dollars  
4 a week, as provided for total or partial disability.

‘In all other cases in this class, or where the usefulness  
2 of a member or any physical function is permanently im-  
3 paired, the compensation shall bear such relation to the  
4 amounts stated in the above schedule as the disabilities bear  
5 to those produced by the injuries named in this schedule.

‘When by reason of infection or other cause not due to  
2 the neglect or misconduct of the injured employee and he  
3 is actually disabled longer than the time specified in the  
4 foregoing schedule from earning a wage, compensation shall  
5 be paid such employee for such loss of wage within the  
6 limits otherwise provided.

‘If an employee is seriously permanently disfigured about  
2 the face, head or neck, the commission may allow such  
3 sum for compensation on account thereof as it may deem  
4 just, not exceeding seven hundred fifty dollars, which shall  
5 be in addition to any compensation by this chapter pro-  
6 vided.

'In case of permanent injury to an employee who is over  
2 fifty-five years of age, the compensation given him shall  
3 be reduced by five per cent; in case he is over sixty years  
4 of age, by ten per cent; in case he is over sixty-five years  
5 of age, by fifteen per cent.'

Sect. 7. Section twenty-one of said chapter fifty shall be  
2 amended by inserting after the word "chairman" wherever  
3 it occurs in the said section the words 'or associate legal  
4 member,' and before the words "appoint a competent im-  
5 partial physician," the words 'upon written petition by or  
6 in behalf of either the employer or the employee,' so that  
7 said section as amended shall read as follows:

'Sect. 21. EMPLOYEE SHALL SUBMIT TO EXAM-  
2 INATIONS BY PHYSICIAN OR MEDICAL EXAM-  
3 INER. The employee shall after the injury, at all reason-  
4 able times during the continuance of his disability, if so  
5 requested by his employer, submit himself to an examina-  
6 tion by a physician or surgeon authorized to practice medi-  
7 cine under the laws of this state, to be selected and paid  
8 by the employer. The employee shall have the right to  
9 have a physician or surgeon selected and paid by himself,  
10 present at such examination, of which right the employer  
11 shall give him notice when requesting such examination.

'The chairman or associate legal member of the commis-  
2 sion may at any time after the injury upon written petition  
3 by or in behalf of either the employer or employee appoint  
4 a competent and impartial physician or surgeon to act as

5 a medical examiner and the reasonable fees of such medical  
6 examiner shall be fixed and paid by the commission.

‘Such medical examiner being first duly sworn to the faith-  
2 ful performance of his duties before any justice of the peace,  
3 or any clerk of the supreme judicial court, shall thereupon  
4 and as often as the chairman or the associate legal member  
5 of the commission may direct, examine such injured em-  
6 ployee in order to determine the nature, extent and prob-  
7 able duration of the injury. Such medical examiner shall  
8 file a report of every examination made of such employee  
9 in the office of the commission, and a copy thereof certified  
10 by the clerk of said commission may be produced in evi-  
11 dence in any hearing or proceedings to determine the  
12 amount of compensation due said employee under the pro-  
13 visions of this act. If such employee refuses to submit  
14 himself to examination provided for in this act, or in any  
15 way obstructs any such examination, his rights to com-  
16 pensation shall be suspended and his compensation during  
17 such period of suspension may be forfeited.’

Sect. 8. Section twenty-nine of said chapter fifty is here-  
2 by repealed and in place thereof the following is substi-  
3 tuted:

‘Sect. 29. INDUSTRIAL ACCIDENT COMMISSION  
2 OF THE STATE OF MAINE; APPOINTMENT OF  
3 CHAIRMAN AND ASSOCIATE LEGAL MEMBER;  
4 TENURE; REMOVAL AND APPOINTMENT OF  
5 SUCCESSORS; APPOINTMENT OF CLERK; AP-

## 6 PROPRIATION, AUTHORITY OF COMMISSION.

7 The Industrial Accident Commission of the State of Maine  
8 shall consist of three members, two of whom, to be desig-  
9 nated as the chairman and the associate legal member, re-  
10 spectively, shall be men learned in the law and members,  
11 in good standing, of the bar of this state, and the third,  
12 the commissioner of labor and industry. The chairman  
13 and associate legal member shall be appointed by the gov-  
14 ernor, the former for the term of three years, and the latter  
15 for the term of two years upon the first appointment under  
16 this act, all successive appointments to be for the term of  
17 three years. The chairman and the associate legal mem-  
18 ber shall hold office for the terms aforesaid unless removed  
19 as hereinafter provided and until their successors are ap-  
20 pointed and qualified. They shall be sworn, and for in-  
21 efficiency, wilful neglect of duty or for malfeasance in office,  
22 may be removed from office by the governor and council.  
23 In case of vacancy occurring through death, resignation or  
24 removal, the governor shall appoint a successor for the  
25 whole term of three years, subject to removal as aforesaid.

'Such chairman shall receive a salary of three thousand  
2 five hundred dollars per annum, and such associate legal  
3 member shall receive a salary of three thousand dollars per  
4 annum. The commissioner of labor and industry shall re-  
5 ceive the sum of five hundred dollars in addition to his  
6 salary as commissioner of labor and industry.

'The members of the commission shall also receive their

2 actual necessary cash expenses while away from their office  
3 on official business.

‘The commission shall have a clerk appointed and remov-  
2 able by it.

‘The sum of twenty-six thousand dollars shall be annually  
2 appropriated for the payment of clerical and other assist-  
3 ance, physicians and witness fees, traveling and other ex-  
4 penses.

‘The commission shall have a seal bearing the words “In-  
2 dustrial Accident Commission of Maine.” It shall have  
3 its office and keep its records in the state house in Augusta,  
4 but may hold sessions at any place within the state. The  
5 commission shall have a general supervision over the ad-  
6 ministration of this act and shall have the following powers :

‘I. To make rules and regulations not inconsistent with  
2 this act or other laws of the state for the purpose of carry-  
3 ing out the provisions hereof.

‘II. To issue subpoenas for witnesses and subpoenas  
2 duces tecum to compel the production of books and papers  
3 relating to any questions in dispute before it.

‘III. The chairman and the associate legal member of  
2 the commission at any hearing before them, or either of  
3 them, under the provisions of this act, may issue subpoenas  
4 for witness and subpoenas duces tecum to compel the pro-  
5 duction of books and papers relating to any matters in-  
6 volved in the hearing before him. Witness fees in all pro-  
7 ceedings under this act shall be the same as for witnesses  
8 before the supreme judicial court.’

Sect. 9. Section thirty-two of said chapter fifty shall be  
2 amended by the insertion after the word "chairman," the  
3 words 'or the associate legal member,' so that said section  
4 as amended shall read:

'Sect. 32. PROCEEDINGS AS TO ANSWERS. With-  
2 in ten days after the filing of the petition, all the other  
3 parties interested in opposition to the petition shall file an  
4 answer to said petition and furnish a copy thereof to the  
5 petitioner, which answer shall state the claims of the oppo-  
6 nents with reference to the matter in dispute as disclosed  
7 by the petition. The chairman or the associate legal mem-  
8 ber of said commission may grant further time for filing  
9 answer and allow amendments to said petition and answer  
10 at any stage of the proceedings. If any party opposing  
11 such petition does not file an answer within the time lim-  
12 ited, the hearing shall proceed upon the petition. If any  
13 party be an infant or person under disability, either parent or  
14 a guardian, or a guardian ad litem for such infant or person  
15 under disability may file a petition or answer required by  
16 this section.'

Sect. 10. Section thirty-three of said chapter fifty shall  
2 be amended by striking out the first eight words of such  
3 section and by inserting after the word "chairman" the  
4 words 'or associate legal member'; also by striking out the  
5 word "who" before the words "shall fix the time"; so that  
6 said section as amended shall read:

'Sect. 33. TIME AND PLACE OF HEARING. The

2 chairman or associate legal member of said commission,  
3 shall fix the time for hearing upon the request of either  
4 party, upon a three days' notice given to the other party.  
5 All hearings shall be held in the town where the accident  
6 occurred, unless the claimant shall in writing request that  
7 it be held in some other place.'

Sect. 11. Section thirty-four of said chapter fifty shall  
2 be amended by striking out the word "chairman" in the  
3 second line thereof and inserting in its place the word  
4 'member,' and by inserting after the word "commission"  
5 in the third line of said section the words 'who is conduct-  
6 ing the hearing.'

Said section is further amended by adding, after the first  
2 sentence thereof, the paragraph:

'Upon summons issued by the chairman or associate legal  
2 member of the commission depositions in perpetuum may  
3 be taken and presented: the deposition of a party or wit-  
4 ness who is so aged, infirm or sick, as to be unable to attend  
5 at the place of hearing, of one who resides out of or is  
6 absent from the state, or of one who before the date of  
7 the hearing is bound to sea or is about to go out of the  
8 state, may on like summons be taken and presented at the  
9 hearing.'

Said section is further amended by striking out the word  
2 "chairman" in the sixth line and inserting in place thereof  
3 the words 'member of the commission who is conducting  
4 the hearing.'



In the second paragraph of said section the words 'or  
2 associate legal member' shall be inserted after the word  
3 "chairman" wherever said word occurs, so that said sec-  
4 tion thirty-four as amended shall read as follows:

'Sect. 34. PROCEEDINGS AT HEARING; DECIS-  
2 ION; DECREE BY JUSTICE OF SUPREME JUDI-  
3 CIAL COURT; APPEAL; MODIFICATION OF DE-  
4 CREE. If from the petition and answer there appear to  
5 be facts in dispute, the member of the commission who is  
6 conducting the hearing shall then hear such witnesses as  
7 may be presented by each party, or by agreement the claims  
8 of both parties as to the facts in dispute may be presented  
9 by affidavits.

'Upon summons issued by the chairman or associate legal  
2 member of the commission depositions in perpetuum may  
3 be taken and presented; the deposition of a party or wit-  
4 ness who is so aged, infirm or sick as to be unable to at-  
5 tend at the place of hearing, of one who resides out of or  
6 is absent from the state, or of one who before the date of  
7 hearing is bound to sea or is about to go out of the state,  
8 may on like summons be taken and presented at the hear-  
9 ing.

'From the evidence thus furnished the member of the  
2 commission who is conducting the hearing shall, in a sum-  
3 mary manner, decide the merits of the controversy. His  
4 decision, together with a statement of the facts submitted,  
5 his findings of fact and ruling of law, and any other mat-

6 ters pertinent to the questions raised at the hearing, shall  
7 be filed in the office of the commission, and a copy thereof  
8 certified by the clerk of the commission mailed forthwith  
9 to all parties interested. His decision in the absence of  
10 fraud, upon all questions of fact shall be final.

‘Any party in interest may present copies certified by the  
2 clerk of said commission of any order or decision of the  
3 commission or of its chairman or associate legal member  
4 or of any memorandum of agreements approved by the  
5 commissioner, together with all papers in connection there-  
6 with, to the clerk of courts for the county in which the  
7 injury occurred; whereupon any justice of the supreme ju-  
8 dicial court shall render a decree in accordance therewith  
9 and notify all parties. Such decree shall have the same  
10 effect and all proceedings in relation thereto shall there-  
11 after be the same as though rendered in a suit in equity,  
12 duly heard and determined by said court, except there shall  
13 be no appeal therefrom upon questions of fact found by  
14 said commission or its chairman or associate legal mem-  
15 ber, or where the decree is based upon a memorandum of  
16 agreement approved by the commissioner. Upon any ap-  
17 peal therefrom the proceedings shall be the same as in  
18 appeals in equity procedure and the law court may, after  
19 consideration, reverse or modify any decree made by a  
20 justice, based upon an erroneous ruling or finding of law.  
21 There shall be no appeal from a decree based upon any  
22 order or decision of the commission or of its chairman or

23 associate legal member, or upon any memorandum of agree-  
24 ment approved by the commissioner, which has not been  
25 certified and presented to the court within ten days after  
26 the notice of the filing thereof by the commission or its  
27 chairman or associate legal member. Upon the presenta-  
28 tion to it of a certified copy of any decision of the chair-  
29 man or associate legal member of the commission termi-  
30 nating, diminishing, increasing or modifying any payments  
31 under the provisions of section thirty-six, or under any  
32 decision of said chairman or associate legal member or any  
33 agreement approved by the commissioner the court shall  
34 revoke or modify its decree, if any has been based thereon  
35 to conform to such decision.'

Sect. 12. Section thirty-five of said chapter fifty shall be  
2 amended by inserting after the word "chairman" the words  
3 'or associate legal member,' so that said section as amended  
4 shall read:

'Sect. 35. AGREEMENTS OR DECISIONS SHALL  
2 HAVE SAME EFFECT AS JUDGMENTS OF COURT.  
3 Any agreement between employer and employee filed with  
4 the commission and approved by the commissioner or any  
5 decision of the chairman or associate legal member of said  
6 commission under the provisions of section thirty-four,  
7 shall have the same effect as the judgment of a court, and  
8 a copy thereof certified to by the clerk of said commission  
9 and filed with the clerk of the court of the county in which  
10 either the employer or employee resides or where the busi-

11 ness of the employer is located, shall be enforceable by the  
12 supreme judicial court by any suitable process including  
13 execution against the goods, chattels and real estate, and  
14 including proceedings for contempt for wilful failure or  
15 neglect to obey the orders or decrees of the court, or in  
16 any other manner that decrees in equity may be enforced.'

Sect. 13. Section thirty-six of said chapter fifty shall be  
2 amended by striking out the words "chairman of said com-  
3 mission" and inserting in place thereof the words 'member  
4 of said commission who approved said agreement or who  
5 made said award, findings or decree,' and by substituting  
6 the word 'member' for the word "chairman" in the two  
7 places where it occurs thereafter in said section; also by  
8 adding to said section the following:

'If by reason of death, resignation, removal, or the expira-  
2 tion of term without reappointment, review cannot be con-  
3 ducted by the member who originally approved the agree-  
4 ment or who made the award, findings or decree, such re-  
5 view shall be conducted by his successor; and only in the  
6 advent of disability of such member or his successor shall  
7 such review be conducted by another member of the com-  
8 mission.'

Said section as amended shall read:

'Sect. 36. AGREEMENT, AWARD, FINDINGS, OR  
2 DECREE MAY FROM TIME TO TIME BE RE-  
3 VIEWED. At any time before the expiration of two years  
4 from the date of the approval of an agreement by the com-

5 missioner, or the entry of a decree fixing compensation, but  
6 not afterwards, and before the expiration of the period for  
7 which compensation has been fixed by such agreement or  
8 decree, but not afterwards, any agreement, award, findings  
9 or decree may be from time to time reviewed by the mem-  
10 ber of said commission who approved said agreement or  
11 who made said award, findings or decree upon the appli-  
12 cation of either party, after due notice to the other party,  
13 upon the ground that the incapacity of the injured em-  
14 ployee has subsequently ended, decreased or diminished.  
15 Upon such review the said member may increase, diminish,  
16 or discontinue the compensation from the date of the appli-  
17 cation for review, in accordance with the facts or make  
18 such other order as the justice of the case may require,  
19 but shall order no change of the status existing prior to  
20 the application for review. The finding of the said mem-  
21 ber upon such review shall be served on the parties and  
22 filed with the clerk of the commission and may be certified  
23 to the court in like time and manner and subject to like  
24 disposition as in the case of original decrees; provided that  
25 an agreement for compensation may be modified at any  
26 time by a subsequent agreement between the parties ap-  
27 proved by the commissioner in the same manner as origi-  
28 nal agreements in regard to compensation are required to  
29 be approved by the provisions of section thirty of this act.  
30 If, by reason of death, resignation, removal, or the expira-  
31 tion of term without reappointment, review cannot be con-

32 ducted by the member who originally approved the agree-  
33 ment, or who made the award, findings or decree, such re-  
34 view shall be conducted by his successor; and only in the  
35 advent of disability of such member or his successor shall  
36 such review be conducted by another member of the com-  
37 mission.'

Sect. 14. Section forty-one of said chapter fifty shall be  
2 amended by inserting after the word "chairman" the words  
3 'or any associate legal member,' so that said section as  
4 amended shall read:

'Sect. 41. ASSENTING EMPLOYERS SHALL MAKE  
2 REPORTS OF ACCIDENTS; COPY OF RECEIPT IN  
3 FINAL SETTLEMENT FILED WITH COMMISSION;  
4 PENALTY FOR NEGLECT. All assenting employers  
5 shall make prompt report to the commission of all accidents  
6 to their employees in the course of employment, with the  
7 average weekly wages or earnings of such employees, to-  
8 gether with such other particulars as the commission may  
9 require and shall also report whenever the injured employee  
10 shall resume his employment and the amount of his wages  
11 or earnings.

'Whenever any final settlement is made with an injured  
2 employee, either by the employer or insurances, a copy of  
3 the receipt of final agreement showing the total amount  
4 of money paid to such injured employee, shall be filed with  
5 the commission but shall not be binding without the ap-  
6 proval of the commission or of its chairman or associate

7 legal member. Any employer or insurance company that  
8 shall wilfully neglect or refuse to make such reports or  
9 file any receipts of agreements required to be filed under  
10 this act, shall be liable to a forfeiture of ten dollars for  
11 each day of such willful neglect or refusal to be enforced  
12 by the commission in an action of debt in the name of the  
13 state. All sums so recovered shall be paid into the state  
14 treasury and be credited to the appropriation made for the  
15 administration of this act.'