

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

SENATE

NO. 304

In Senate, April 1, 1919.

Introduced by Mr. Deering of York under suspension of rules, the same being reported from the Joint Committees on Labor and Judiciary, laid on the table for printing under the joint rules.

P. F. CRANE, Secretary.

STATE OF MAINE

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

CHAPTER 50.

The Workmen's Compensation Act.

Section 1. Title of law. Words and phrases defined.
2 The first fifty sections of this chapter shall be known, and
3 may be cited, and referred to in proceedings and agree-
4 ments thereunder, as "The Workmen's Compensation Act;"
5 the phrase "this act," as used in said section, refers thereto.

The following words and phrases as used in the first fifty
2 sections of this chapter, shall, unless a different meaning
3 is plainly required by the context, have the following mean-
4 ing:

I. "Employer" shall include corporations, partnerships,
2 natural persons, the state, counties, water districts and all
3 other quasi-municipal corporations of a similar nature,
4 cities and also such towns as vote to accept the provisions
5 of this act, and if employer is insured, it includes the in-
6 surer unless the contrary intent is apparent from the con-
7 text or it is inconsistent with the purposes of this act.

II. "Employee" shall include every person in the service
2 of another under any contract of hire, express or implied,
3 oral or written, except: (a) farm laborers; (b) domestic
4 servants; (c) masters of and seaman on vessels engaged
5 in interstate or foreign commerce; (d) person whose em-
6 ployment is but casual, or is not in the usual course of the
7 trade, business, profession or occupation of his employer;
8 (e) officials of the state, counties, cities, towns or water
9 districts and other quasi-municipal corporations of a sim-
10 ilar character. Policemen and firemen shall be deemed
11 employees within the meaning of this act. If, however,
12 any policeman or fireman claims compensation under this
13 act, there shall be deducted from such compensation any
14 sum which such policeman, fireman or other person may
15 be entitled to receive from any pension or other benefit
16 fund to which the state or municipal body may contribute;
17 (f) except that any town or city may, in lieu of the com-
18 pensation and insurance provided by this act, continue any
19 member of the fire department or police force in said town,
20 who may have been injured in the course of his duties,

21 on the payroll at full pay, if such full pay exceeds the
22 maximum compensation provided for employees under this
23 act. Any reference to an employee who has been injured
24 shall, when the employee is dead, also include his legal
25 representatives, dependents and other persons to whom
26 compensation may be payable. (g) All persons employed
27 by the state or under the direction and control of any de-
28 partment of the state shall be entitled to the benefits of
29 chapter fifty of the revised statutes. The governor and
30 council shall order such compensation as shall be assessed,
31 paid from the state contingent fund.

III. "Assenting employer" shall include all employers
2 who have complied with the provisions of section six here-
3 of, and to whom a certificate authorized by said section
4 has been issued, but only so long as such certificate re-
5 mains in force.

IV. "Commissioner" shall mean the commissioner of
2 labor and industry of the state of Maine. "Commission"
3 shall mean the industrial accident commission created by
4 section twenty-nine hereof.

V. "Industrial Accident Insurance Policy" shall mean a
2 policy in such form as the insurance commissioner of the
3 state of Maine approves, issued by any stock or mutual
4 casualty insurance company that may be now or hereafter
5 authorized to do business in this state, which in substance
6 and effect guarantees the payment of the compensation,
7 medical and hospital services, and expense of sickness and

8 burial herein provided for, in such installments, at such
9 time or times, and to such person or persons and upon such
10 conditions as in this act provided. Whenever a policy or
11 certificate of renewal thereof is filed as herein provided,
12 a copy of such policy certified by the insurance commis-
13 sioner of the state of Maine or his deputy, shall be ad-
14 missible as evidence in any legal proceeding wherein the
15 original would be admissible.

VI. "Insurance Company" shall mean any casualty in-
2 surance company authorized to do business in the state
3 of Maine, which may issue policies conforming to the pro-
4 visions of the paragraph next preceding. Whenever in this
5 act relating to procedure the words "Insurance Company"
6 is used it shall be held to apply only to cases in which the
7 employer has elected to file such policy, instead of fur-
8 nishing satisfactory proof of his ability to pay compen-
9 sations and benefits hereinafter provided direct to his em-
10 ployees.

VII. "Representatives" may include executors, adminis-
2 trators, and the dependents of deceased employees. Pay-
3 ments may be made to dependents directly, or to executors
4 or administrators. If payments are made to the latter,
5 they shall forthwith pay the same to the dependents as
6 the same are hereinafter defined.

VIII. "Dependents" shall mean members of the em-
2 ployee's family or next of kin, who are wholly or partly
3 dependent upon the earnings of the employee for support

4 at the time of the injury. The following persons shall be
5 conclusively presumed to be wholly dependent for sup-
6 port upon a deceased employee:

(a) A wife upon a husband with whom she lives, or
2 from whom she was living apart for a justifiable cause,
3 or because he had deserted her or upon whom she is de-
4 pendent at the time of the accident.

(b) A husband upon a wife with whom he lives, or upon
2 whom he is dependent at the time of the accident.

(c) A child or children, including adopted and step-chil-
2 dren under the age of eighteen years (or over said age,
3 but physically or mentally incapacitated from earning)
4 upon the parent with whom he is or they are living, or
5 upon whom he is or they are dependent at the time of the
6 death of said parent, there being no surviving dependent
7 parent. In case there is more than one child thus depend-
8 ent, the compensation shall be divided equally among them.

In all cases questions of entire or partial dependency shall
2 be determined in accordance with the fact, as the fact may
3 have been at the time of the injury. In such other cases,
4 if there is more than one person wholly dependent the com-
5 pensation shall be divided equally among them and per-
6 sons partly dependent, if any, shall receive no part thereof
7 during the period in which compensation is paid to per-
8 sons wholly dependent. If there is any one wholly de-
9 pendent and more than one person partly dependent, the
10 compensation shall be divided among them according to

11 the relative extent of their dependency. If a dependent is
12 an alien residing outside of the United States, or of the
13 Dominion of Canada, the compensation paid to any such
14 dependent shall be one-half that hereinafter provided in
15 case of the death of an employee.

IX. "Average weekly wages, earnings or salary," of any
2 injured employee shall be computed as follows:

(a) If the injured employee has worked in the same em-
2 ployment in which he was working at the time of the ac-
3 cident, whether for the same employer or not, during sub-
4 stantially the whole of the year immediately preceding his
5 injury, his "average weekly wages" shall be three hun-
6 dred times the average daily wages, earnings or salary
7 which he has earned in such employment during the days
8 when so employed and working the number of hours con-
9 stituting a full working day in such employment, divided
10 by fifty-two. But where the employee is employed reg-
11 ularly during the ordinary working hours concurrently by
12 two or more employers, for one of whom he works at one
13 time and for another he works at another time, his "aver-
14 age weekly wages" shall be computed as if the wages,
15 earnings or salary received by him from all such em-
16 ployers, were wages, earnings or salary earned in the em-
17 ployment of the employer for whom he was working at
18 the time of the accident.

(b) If the injured employee has not so worked in such
2 employment during substantially the whole of such imme-

3 diately preceding year, his "average weekly wages" shall
4 be three hundred times the average daily wages, earnings
5 or salary which an employee of the same class working
6 substantially the whole of such immediately preceding year
7 in the same or a similar employment, in the same or a
8 neighboring place, has earned in such employment during
9 the days when so employed and working the number of
10 hours constituting a full working day in such employment,
11 divided by fifty-two.

(c) In cases where the foregoing methods of arriving
2 at the "average weekly wages, earnings or salary" of the
3 injured employee cannot reasonably and fairly be applied,
4 such "average weekly wages" shall be taken at such sum
5 as, having regard to the previous wages, earnings or salary
6 of the injured employee and of other employees of the
7 same or most similar class, working in the same or most
8 similar employment in the same or a neighboring locality,
9 shall reasonably represent the weekly earning capacity of
10 the injured employee at the time of the accident in the em-
11 ployment in which he was working at such time.

(d) Where the employer has been accustomed to pay to
2 the employee a sum to cover any special expense incurred
3 by said employee by the nature of his employment, the
4 sum so paid shall not be reckoned as part of the employee's
5 wages, earnings or salary.

(e) The fact that an employee has suffered a previous
2 injury or received compensation therefor, shall not pre-

3 clude compensation for a later injury or death; but in
4 determining the compensation for the later injury or death,
5 his "average weekly wages" shall be such sum as will rea-
6 sonably represent his weekly earning capacity at the time
7 of the later injury, in the employment in which he was
8 working at such time, and shall be arrived at according to
9 and subject to the limitations of the previous provisions
10 of this section.

In the sections of this act relating to notices and pro-
2 cedure, all powers and rights granted to, or duties and
3 obligations imposed upon employers or employees, shall
4 inure to the benefit of and may be exercised by guardians
5 of minors or other incapacitated persons and the legal rep-
6 resentatives of deceased persons.

(f) The "average weekly wages, earnings or salary" of
2 employees who work seven days per week shall be com-
3 puted by increasing the average daily wage the employee
4 was receiving at the time of the accident by one-sixth and
5 then multiplying by three hundred and dividing by fifty-
6 two.

Sec. 2. Defenses not permitted. In an action to recover
2 damages for personal injuries sustained by an employee
3 in the course of his employment, or for death, resulting
4 from personal injury so sustained, it shall not be a defense
5 (a) that the employee was negligent; (b) that the injur-
6 was caused by the negligence of a fellow employee; (c)
7 that the employee had assumed the risk of the injury.

Sec. 3. Section two not applicable to certain employers.
2 The provisions of section two shall not apply to employers
3 who employ five or less workmen or operatives regularly
4 in the same business, and in case of the employer being
5 engaged in more than one kind of business, in one of which
6 he employs five or more workmen or operatives regularly,
7 and in another employs five or less workmen or operatives,
8 the fact that he elects to become subject to the provisions
9 of this act shall not bring him within the provisions of
10 it as to any such business in which he employs five or less
11 workmen or operatives, and at the time of electing to be-
12 come subject to the provisions of this act, if engaged in
13 more than one kind of business, he shall specify the busi-
14 ness or businesses in which he is engaged and concerning
15 which he desires to come under the provisions hereof.

Sect. 4. Law not applicable to persons engaged in do-
2 mestic service, agriculture or logging. The provisions of
3 section two shall not apply to actions to recover damages
4 for personal injuries or for death resulting from personal
5 injuries sustained by employees engaged in domestic serv-
6 ice or agriculture, or in the work of cutting, hauling, raft-
7 ing or driving logs.

Sect. 5. Section two shall not apply to assenting em-
2 ployers; such employers exempt from other suits. The
3 provisions of section two shall not apply to actions to re-
4 cover damages for personal injuries or for death resulting
5 from personal injuries sustained by employees of an em-

6 ployer who has elected to become subject to this act in the
7 manner provided in section six hereof. In the case of per-
8 sonal injury sustained by an employee in the course of his
9 employment or of death resulting from personal injury so
10 sustained, assenting employers shall be exempt from suits
11 either at common law or under section nine of chapter nine-
12 ty-two, or under sections fifty-one to fifty-eight, both in-
13 clusive, of this chapter.

Sec . 6. I. Employer may become assenting employer ;
2 approval of classifications of policies of insurance com-
3 panies assuming risks ; may withdraw approval. Any em-
4 ployer desiring to become an assenting employer as herein
5 provided, may file with the commission at its office in Au-
6 gusta, his written assent in such form as the commission
7 approves and also file with said commission a copy of an
8 industrial accident insurance policy in any stock or mutual
9 insurance company or association authorized to do busi-
10 ness in the state of Maine, said policy being stamped with
11 the approval of the insurance commissioner of said state
12 of Maine.

The insurance commissioner may require the filing of
2 specific rates for workmen's compensation insurance in-
3 cluding classifications of risks, experience or any other
4 rating information from insurance companies, authorized
5 to transact such insurance in Maine, and may make or
6 cause to be made such investigations as may be deemd
7 necessary to satisfy himself that such rates are correct and

8 proper before giving his approval and permitting such rates
9 to be promulgated for the use of said companies.

Any insurance company issuing policies covering the pay-
2 ment of compensation provided for in this act shall file
3 with the insurance commissioner a copy of the form there-
4 of; and no such policy shall be issued until said insurance
5 commissioner has approved the same. Every such insur-
6 ance company shall file with the insurance department its
7 classification of risks and premiums relating thereto, and
8 any subsequent proposed classifications or premiums, none
9 of which shall take effect until the insurance commissioner
10 has approved the same as adequate for the risks to which
11 they respectively apply. The insurance commissioner may
12 withdraw his approval of any classification of risks or
13 premium rates relating thereto, and he may at any time
14 approve a revised classification of risks and premium rates
15 relating thereto. Such written assent when once filed shall
16 continue in force without renewal during the life of said
17 original policy or during the life of any subsequent policy
18 or policies filed in renewal of said original policy previous
19 to the expiration of any immediately preceding policy, so
20 that there shall be no interim between policies. In case
21 there shall be such an interim, then a new acceptance must
22 be filed with the policy terminating the interim.

II. Employer desiring to become an assenting employer
2 shall file written assent with the commission, and deposit
3 satisfactory security. Any employer desiring to become

4 an assenting employer as herein provided, may file with
5 the commission his written assent in such form as said
6 commission approves after furnishing satisfactory proof
7 to the commission of his solvency and financial ability to
8 pay the compensation and benefits herein provided, and
9 upon the deposit of cash, satisfactory securities or a bond,
10 as the commission may determine, such bond to run to the
11 treasurer of state, and his successor in office, in such sum
12 as said commission may determine and shall be condi-
13 tional upon the faithful performance of all the provisions
14 of this act relating to the payment of compensations and
15 benefits to any injured employee. In case of cash being
16 deposited it shall be placed at interest by the treasurer of
17 state and the accumulation of interest on said cash or
18 securities so deposited shall be paid to the employer de-
19 positing the same. Provided, however, that the commis-
20 sion may at any time in their discretion deny to an assent-
21 ing employer the right to continue in the exercise of the
22 option granted by this paragraph.

III. Commission shall issue certificate to employer.
2 Upon the filing of such assent and complying with the pro-
3 visions of paragraph I or II of this section, the commis-
4 sion shall issue to such employer a certificate stating that
5 such employer has conformed to the provisions of this act,
6 and setting forth the date on which the policy filed under
7 paragraph I expires. The certificate thus issued shall re-
8 main in full force until the date of the expiration of such

9 policy or renewal thereof or until withdrawn as provided in
10 paragraph II, or until the employer assenting under para-
11 graph II shall notify the commission that he withdraws his
12 assent, or files an industrial accident policy in place of the
13 securities so deposited by him.

IV. Commission may approve system in use January 1,
2 1915; approval of substitute system. Subject to the ap-
3 proval of the commission, any employer may continue with
4 his employees in lieu of the compensation and insurance
5 provided by this act the system of compensation, benefit or
6 insurance which was used by such employer on the first day
7 of January, nineteen hundred fifteen. No such substitute
8 system shall be approved unless it confers benefits upon in-
9 jured employees at least equivalent to the benefits provided
10 by this act, nor if it requires contributions from the em-
11 ployees, unless it confers benefits in addition to those pro-
12 vided under this act at least commensurate with such con-
13 tributions. Such substitute system may be terminated by
14 the commission **on reasonable notice and hearing** to the
15 interested parties if it shall appear that the same is not fair-
16 ly administered, or if its operation shall disclose latent
17 defects threatening its solvency, or if for any substantial
18 reason it fails to accomplish the purposes of this act. An
19 employer who is authorized to substitute a plan under the
20 provisions of this section shall give his employees notice
21 thereof in a form to be prescribed by the commission, and a

22 statement of the plan approved shall be filed with the com-
23 mission.

V. Notice shall be kept posted in place of business. A
2 notice in such form as the commission approves, stating
3 that the employer has conformed to the provisions of this
4 act, and the date of the expiration of the policy filed, to-
5 gether with such further matters as the commission deter-
6 mines, shall be posted by the employer and kept posted by
7 him at some place in each of his mills, factories or place of
8 business, conspicuous and accessible to his employees. For
9 wilful failure to post such notices, the employer shall be
10 subject to a penalty of ten dollars per day for every day of
11 such wilful neglect, to be recovered by complaint or indict-
12 ment. Such failure to so post notices shall not, however,
13 affect the rights or liabilities of the employer or the em-
14 ployee hereunder.

Sect. 7. Employee subject to this act waives right of ac-
2 tion at common law, unless notice is given; requisites of
3 notice. An employee of an employer who shall have elected
4 to become subject to the provisions of this act as provided in
5 section six of this act shall be held to have waived his right
6 of action at common law to recover damages, for personal
7 injuries; also under section nine of chapter ninety-two or
8 under sections fifty-one to fifty-eight, both inclusive, of this
9 chapter, if he shall not have given his employer at the time
10 of his contract of hire notice in writing that he claimed such
11 right, and within ten days thereafter have filed a copy

12 thereof with the commission or, if the contract of hire was
13 made before the employer so elected, if the employee shall
14 not have given the said notice and filed the same with said
15 commission within ten days after notice by the employer, as
16 above provided, of such election, and such waiver shall con-
17 tinue in force for the term of one year, and thereafter with-
18 out further act on his part, for successive terms of one
19 year, each, unless such employee shall at least sixty days
20 prior to the expiration of such first or any succeeding year,
21 file with the said commission a notice in writing to the
22 effect that he desires to claim his said right of action at com-
23 mon law and within ten days thereafter shall give notice
24 thereof to his employer. A minor working at an age illegal-
25 ly permitted under the laws of this state shall be deemed
26 sui juris for the purpose of this act and no other person
27 shall have any cause of action or right to compensation for
28 an injury to such minor employee except as expressly pro-
29 vided in this act; but if said minor shall have a parent living
30 or a guardian, such parent or guardian, as the case may be,
31 may give the notice and file a copy of the same as herein
32 provided by this section, and such notice shall bind the minor
33 in the same manner that adult employees are bound under
34 the provisions of this act. In case no such notice is given,
35 such minor shall be held to have waived his right of action
36 at common law, or under the statutes above referred to, to
37 recover damages for personal injuries. Any employee, or
38 the parent or guardian of any minor employee, who has

39 given notice to the employer that he claimed his right of ac-
40 tion at common law, or under the statutes above referred to,
41 may waive such claim by a notice in writing which shall
42 take effect five days after the delivery to the employer or his
43 agent.

Sec. 8. Injury or death caused by wilful intention or in-
2 toxication shall not be compensated for. No compensation
3 shall be allowed for the injury or death of an employee
4 where it is proved that his injury or death was occasioned
5 by his wilful intention to bring about the injury or death
6 of himself or of another, or that the same resulted from his
7 intoxication while on duty. This provision as to intoxica-
8 tion shall not apply, if the employer knew or in the exercise
9 of ordinary care might have known that the employee was
10 intoxicated or that he was in the habit of becoming intoxi-
11 cated while on duty.

Sec. 9. Employee shall be incapacitated ten days before
2 compensation. No compensation except medical, surgical
3 and hospital services, nursing, and medicines and mechanical
4 surgical aids as provided in section ten of this act shall be
5 paid thereunder during the first ten days after the accident.
6 If incapacity exists at the expiration of ten days, compen-
7 sation shall begin on the eleventh day. If incapacity arises
8 after ten days, compensation shall begin on the date such
9 incapacity begins.

Sect. 10. Employer shall furnish medical aid during first
2 thirty days. During the first thirty days after the accident

3 the employer shall promptly furnish reasonable medical,
4 surgical, and hospital services, nursing and medicines and
5 mechanical surgical aids when they are needed. The amount
6 of such medical, surgical, and hospital services, nursing,
7 medicines and mechanical surgical aids shall not exceed
8 one hundred dollars unless a longer period or a greater sum
9 is allowed by the commission which, in their discretion,
10 they may allow when the nature of the injury or the pro-
11 cess of recovery requires it. In case the incapacity does
12 not begin at the time of the accident the thirty-day period
13 shall commence at the time such incapacity begins. When-
14 ever the employer and the employee are unable to agree
15 upon the amount to be allowed for such medical, surgical,
16 and hospital services, nursing, medicines and mechanical
17 surgical aid the amount shall be fixed by the commission
18 upon petition of either party setting forth the facts. In
19 case of emergency or for other justifiable cause the em-
20 ployee shall have the right to select a physician other than
21 the one provided by the employer, and the reasonable
22 cost of his services shall be paid by the employer subject
23 to the approval of the Industrial Accident Commission.
24 Such approval shall be granted only when the commission
25 finds that there was such emergency or justifiable cause
26 and in all cases, that the services were adequate and neces-
27 sary and the charges reasonable.

Sec. 11. Action for injury of employee not having given
2 notice. If an employee who has not given notice of his

3 claim of common law or statutory rights of action, or who
4 has given such notice and has waived the same, as pro-
5 vided in section seven of this act, receives a personal in-
6 jury by accident arising out of and in the course of his
7 employment, he shall be paid compensation as hereinafter
8 provided, by the employer who shall have elected to be-
9 come subject to the provisions of this act.

Sect. 12. Employer's liability for death. If death results
2 from the injury, the employer shall pay the dependents of
3 the employee, wholly dependent upon his earnings for sup-
4 port at the time of his injury, a weekly payment equal to
5 three-fifths his average weekly wages, earnings, or salary,
6 but not more than fifteen dollars nor less than six dollars
7 a week, for a period of three hundred weeks from the date
8 of the injury, and in no case to exceed three thousand five
9 hundred dollars, provided; however, that if the dependent
10 of the employee to whom the compensation shall be pay-
11 able upon his death is the widow of such employee, upon
12 her death the compensation thereafter payable under this
13 act shall be paid to the child or children of the deceased
14 employee, including adopted and step-children, under the
15 age of eighteen years, or over said age but physically or
16 mentally incapacitated from earning, who are dependent
17 upon the widow at the time of her death. In case there
18 is more than one child thus dependent, the compensation
19 shall be divided equally among them. If the employee
20 leaves dependents only partly dependent upon his earn-

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

Sec. 13. Compensation when employee has no depend-
2 ents. If the employee dies as a result of the injury, leav-
3 ing no dependents at the time of the injury, the employer
4 shall pay, in addition to any compensation provided for in
5 this act, the reasonable expense of his last sickness and
6 burial, which shall not exceed two hundred dollars. Pro-
7 vided, however, if dependents appear before the commis-
8 sion, within one year after the death of the said employee,
9 and prove that they are entitled to compensation as pro-
10 vided for by this act, and such compensation is decreed to
11 be paid to the said dependents, the reasonable expenses of

12 last sickness and burial as aforesaid shall be deducted from
13 the amount allowed to the said dependents.

Sec. 14. Compensation for total disability; total disability, how determined. While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to three-fifths his average weekly wages, earnings or salary, but not more than fifteen dollars nor less than six dollars a week; and in no case shall the period covered by such compensation be greater than five hundred weeks from the date of incapacity, nor the amount more than forty-two hundred dollars; and if the employee shall die before having received compensation to which he is entitled or which he is receiving as provided in this act, the same shall be payable to the dependents of the said employee for the specified period, and the said dependents shall have the same rights and powers under this act as the said employee would have had if he had lived. In the following cases it shall, for the purposes of this act, be conclusively presumed that the injury resulted in permanent total disability, to wit: the total and irrevocable loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull resulting in incurable imbecility or insanity.

Sec. 15. Compensation for partial disability. While the

2 incapacity for work resulting from the injury is partial,
3 the employer shall pay the injured employee a weekly com-
4 pensation equal to three-fifths the difference between his
5 weekly wages, earnings or salary, before the injury and
6 the weekly wages, earnings or salary which he is able to
7 earn thereafter, but not more than fifteen dollars a week ;
8 and in no case shall the period covered by such compen-
9 sation be greater than three hundred weeks from the date
10 of the injury. The rate of wages before the injury shall
11 be determined by dividing the whole amount of wages or
12 salary earned by the injured employee during the immedi-
13 ately preceding year, whether for the same employer or
14 not, by the full number of days employed during the same
15 period, provided the injured employee has worked substan-
16 tially the whole of the immediately preceding year at sim-
17 ilar work. If the employee has not so worked, the weekly
18 wages, earnings or salary of an employee working sub-
19 stantially the whole of such immediately preceding year
20 at similar work shall be used in determining the amount
21 of partial compensation due the injured employee.

Sec. 16. Schedule of accidents, provided for. In cases
2 included in the following schedule the disability in each
3 such case shall be deemed to be total for the period speci-
4 fied and after such specified period, if there be a partial
5 incapacity for work resulting from the injury specified, the
6 employee shall receive compensation while such partial in-
7 capacity continues under the provisions of section fifteen,

8 but in no case shall compensation continue more than three
9 hundred weeks after the injury. The compensation to be
10 paid for the injuries hereinafter specified shall be as fol-
11 lows, to wit:

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

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

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

For the loss of the third finger, three-fifths the average
2 weekly wages during eighteen weeks.

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

The loss of the first phalange of the thumb or of any finger,
2 shall be considered to be equal to the loss of one-half of said
3 thumb or finger and the compensation shall be one-half the
4 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, three-fifths the average week-
2 ly wages during twenty-five weeks.

For the loss of one of the toes other than the great toe,

2 three-fifths the average weekly wages during ten 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.

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

For the loss of a hand, three-fifths the average weekly
2 wages during one hundred twenty-five weeks.

For the loss of an arm, or any part at or above wrist, three-
2 fifths the average weekly wages during one hundred fifty
4 weeks.

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

For the loss of a foot, three-fifths the average weekly
2 wages for one hundred 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, three-
3 fifths the average weekly wages during one hundred weeks.

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

In all cases in this class where the usefulness of a member
2 or any physical function thereof is permanently impaired,
3 the compensation shall bear such relation to the amount
4 stated in the above schedule as the incapacity shall bear to

5 the injuries named in this schedule and the commission shall
6 determine the extent of the incapacity.

Sec. 17. Notice of injury shall be given employer. No
2 proceedings for compensation for an injury under this act
3 shall be maintained unless a notice of the accident shall
4 have been given to the employer within thirty days after
5 the happening thereof; and unless the claim for compensa-
6 tion with respect to such injury shall have been made with-
7 in one year after the occurrence of the same, or, in case of
8 his physical or mental incapacity, within one year after
9 death or the removal of such physical or mental incapacity.

Sec. 18. Contents of such notice. Such notice shall be in
2 writing and shall state in ordinary language the nature, time,
3 place and cause of the injury, and the name and address of
4 the person injured and shall be signed by the person injured,
5 or by a person in his behalf, or, in the event of his death, by
6 his legal representatives, or by a dependent, or by a person
7 in behalf of either.

Sec. 19. Service of such notice. Such notice shall be
2 served upon the employer, or upon one employer, if there
3 are more employers than one, or, if the employer is a cor-
4 poration, upon any officer or agent upon whom process may
5 be served, or by leaving it at his last known residence or
6 place of business, or by sending it by registered mail ad-
9 dressed to the person to be served, or in the case of a cor-
10 poration, to the corporatiao itself, at his or its last known

11 residence or place of business; and such mailing of the
12 notice shall constitute a completed service.

Sec. 20. Notice not void for mere inaccuracy of state-
2 ment; notice, when unnecessary. A notice given under the
3 provisions of this act shall not be held invalid or insufficient
4 by reason of any inaccuracy in stating the nature, time, place
5 or cause of the injury, or the name and address of the person
6 injured, unless it is shown that it was the intention to mis-
7 lead and the employer was in fact misled thereby. Want
8 of notice shall not be a bar to proceedings under this act, if
9 it be shown that the employer or his agent had knowledge
10 of the injury, or that failure to give such notice was due to
11 accident, mistake or unforeseen cause.

Sec. 21. Employee shall submit to examinations by physi-
2 cian, or medical examiner. The employee shall after the
3 injury, at all reasonable times during the continuance of his
4 disability, if so requested by his employer, submit himself to
5 an examination by a physician or surgeon authorized to
6 practice medicine under the laws of this state, to be se-
7 lected and paid by the employer. The employee shall have
8 the right to have a physician or surgeon selected and paid
9 by himself, present at such examination of which right the
10 employer shall give him notice when requesting such exami-
11 tion.

The chairman or associate legal member may at any time
2 after the injury appoint a competent and impartial physician
3 or surgeon to act as a medical examiner, and the reasonable

4 fees of such medical examiner shall be fixed and paid by the
5 commission.

Such medical examiner being first duly sworn to the faithful performance of his duties before any justice of the peace, or any clerk of the supreme judicial court, shall thereupon and as often as the chairman of the commission may direct, examine such injured employee in order to determine the nature, extent and probable duration of the injury. Such medical examiner shall file a report of every examination made of such employee in the office of the commission, and a copy thereof certified by the clerk of said commission may be produced in evidence in any hearing or proceedings to determine the amount of compensation due said employee under the provisions of this act. If such employee refuses to submit himself to examination provided for in this act, or in any way obstructs any such examination, his rights to compensation shall be suspended and his compensation during such period of suspension may be forfeited.

Sec. 22. Savings or insurance shall not be taken into consideration. No savings or insurance of the injured employee independent of this act, shall be taken into consideration in determining the compensation to be paid hereunder, nor shall benefits derived from any other source than the employer be considered in fixing the compensation under this act.

Sec. 23. Incompetents or minors may have guardian exercise right of claim. In case an injured employee is

3 mentally incompetent, or, where death results from the
4 injury, in case any of his dependents entitled to compen-
5 sation hereunder are mentally incompetent or minors at
6 the time when any rights, privilege or election accrues to
7 him or them under this act, his guardian, or next friend,
8 or some disinterested person designated by the commis-
9 sion may, in his behalf, claim and exercise such right, privi-
10 lege or election, and no limitation of time in this act pro-
11 vided shall run so long as such incompetent or minor has
12 no guardian. In case the commission shall have reason-
13 able grounds for believing that compensation paid under
14 this act, either in weekly installments or in a lump sum,
15 will be squandered or wasted by the injured employee or
16 his dependents, the commission may designate in writing
17 some disinterested person to act as trustee for the said
18 injured employee or said dependents, and the said trustee
19 shall file an account at least once a year with the said com-
20 mission showing the amounts of receipts and expenditures
21 in behalf of said injured employee or said dependents.

Sec. 24. Waiver of rights to compensation not valid,
2 claims not assignable. No agreement by an employee, ex-
3 cept as provided in section thirty, to waive his rights to
4 compensation under this act shall be valid. No claims for
5 compensation under this act shall be assignable, or subject
6 to attachment, or liable in any way for debt.

Sec. 25. Agreement that remedies under this act exclu-
2 sive, in case of employment out of state; presumption. Em-

3 ployers who hire workmen within this state to work out-
4 side of the state, may agree with such workmen that the
5 remedies under this act shall be exclusive as regards in-
6 juries received outside this state by accident arising out
7 of and in the course of such employment; and all contracts
8 of hiring in this state shall be presumed to include such
9 an agreement.

Sec. 26. Liability created in other person than employer;
2 election by employee; subrogation of employer to rights
3 of employee. When any injury for which compensation is
4 payable under this act shall have been sustained under cir-
5 cumstances creating in some other person than the em-
6 ployer a legal liability to pay damages in respect thereto,
7 the injured employee may, at his option, either claim com-
8 pensation under this act or obtain damages from or pro-
9 ceed at law against such other person to recover damages;
10 and if compensation is claimed and awarded under this
11 act, any employer having paid the compensation or having
12 become liable therefor shall be subrogated to the rights
13 of the injured employee to recover against that person,
14 provided, if the employer shall recover from such other
15 person damages in excess of the compensation already paid
16 or awarded to be paid under this act, then any such excess
17 shall be paid to the injured employee less than employer's
18 expenses and costs of action.

Sec. 27. Claims under this act entitled to preference over
2 unsecured debt. The claim for compensation under this

3 act, and any decree on any such claim, shall be entitled to
4 a preference over the unsecured debts of the employer here-
5 after contracted to the same amount as the wages of labor
6 are now preferred by the laws of this state, but nothing
7 herein shall be construed as impairing any lien which the
8 employee may have acquired.

Sec. 28. Commutation of payments to lump sum. In
2 case payments have continued for not less than six months
3 either party may, upon due notice to the other party peti-
4 tion the commission for an order commuting the future
5 payments to a lump sum. Such petition shall be considered
6 by the commission and may be summarily granted where it
7 is shown to the satisfaction of the commission that the pay-
8 ment of a lump sum in lieu of future weekly payments will
9 be for the best interest of the person or persons receiving or
10 dependent upon such compensation, or that the continuance
11 or weekly payments will, as compared with lump sum pay-
12 ments, entail undue expense or undue hardship upon the
13 employer liable therefore, or that the person entitled to com-
14 pensation has removed or is about to remove from the Uni-
15 ted States. Where the commutation is ordered, the com-
16 mission shall fix the lump sum to be paid at an amount
17 which will equal the total sum of the probable future pay-
18 ments capitalized at their present value upon the basis of
19 interest calculated at five per centum per annum with annual
20 rests. Upon payment of such amount the employer shall
21 be discharged from all further liability on account of the

22 injury or death, and be entitled to a duly executed release,
23 upon filing which, or other due proof of payment the liabil-
24 ity of such employer under any agreement, award, findings,
25 or decree shall be discharged of record, and the employee
26 accepting the lump sum settlement as aforesaid shall receive
27 no future compensation under the provisions of this act.

Sec. 29. Industrial accident commission of the state of
2 Maine as heretofore established; appointment of chairman
3 and associate legal member; tenure; removal and appoint-
4 ment of successors; appointment of clerk; appropriation.
5 Authority of commission. The industrial accident com-
6 mission of the state of Maine shall consist of four mem-
7 bers, two of whom, to be designated as the chairman and
8 associate legal member, respectively, shall be men learned
9 in the law and members in good stands of the bar of this
10 state, the third, the commissioner of labor and industry,
11 and the fourth, the commissioner of insurance. The chair-
12 man and associate legal member shall be appointed by the
13 governor, the former for the term of four years and the
14 latter for the term of two years upon the first appointment
15 under this act, all successive appointments to be for the
16 term of three years. The chairman and associate legal
17 member shall hold office for the terms aforesaid, unless
18 removed as herein provided, and until their successors are
19 appointed and qualified. They shall be sworn and for in-
20 efficiency, wilful neglect of duty or malfeasance in office
21 may after notice and hearing be removed by the governor

22 and council. In case of a vacancy occurring through the
23 death, resignation, or removal, the governor shall appoint
24 a successor for the whole term of three years, subject to
25 removal as aforesaid.

The chairman shall receive a salary of three thousand five
2 hundred dollars per annum, beginning January first, nineteen
3 hundred and nineteen, and the associate legal member shall
4 receive a salary of three thousand dollars per annum. The
5 commissioner of labor and industry shall receive the sum of
6 one thousand dollars, in addition to his salary as commis-
7 sioner of labor and industry. The commissioner of insur-
8 ance shall receive the sum of five hundred dollars, in addi-
9 tion to his salary as commisioner of insurance. The mem-
10 bers of the commission shall also receive their actual, nec-
11 essary, cash expenses while away from their office on offi-
12 cial business of the commission.

The commission shall have a clerk appointed and removable
2 by it. The salary of the clerk of the commission shall be
3 fixed by the governor and council upon recommendation of
4 the commission.

The associate legal member shall have the same authority,
2 powers and duties as the chairman, but shall only exercise
3 said authority, powers and duties when requested in writing
4 to do so by the chairman.

The sum of twenty-eight thousand two hundred dollars shall
2 be annually appropriated for the payment of salaries, cleri-

3 cal and other assistance, physicians, witness fees, traveling
4 and other expenses.

The commission shall have a seal bearing the words “Indus-
2 trial Accident Commission of Maine.” It shall have its office
3 and keep its records in the State House in Augusta, but may
4 hold sessions at any place within the state. The commission
5 shall have general supervision over the administration of this
6 act, and shall have powers:

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

II. To issue subpoenas for witnesses and subpoenas duces
2 tecum Sec. 29, p 5, page 23.

III. The chairman or the associate legal member at any
2 hearing under the provisions of this act may issue subpoenas
3 for witnesses and subpoenas duces tecum to compel the
4 production of books and papers relating to any matters in-
5 volved in the hearing. Witness fees in all proceedings un-
6 der this act shall be the same as for witnesses before the
7 supreme judicial court.

IV. The commission may, when the interests of any of the
2 parties or when the administration of the provisions of this
3 act demand, appoint a person in that part of the state where
4 an accident has happened, to make a full investigation of the
5 circumstances surrounding said accident, and report the
7 same without delay to the office of the said commission.

V. 'Depositions taken for the causes and in the manner
2 hereinafter mentioned, may be used in all hearings before
3 the industrial accident commission.

The chairman of the industrial accident commission or the
2 associated legal member may issue commissions to take
3 depositions to any United States consul, United States vice
4 consul, and judge of any court of record in the United
5 States or any foreign country, or to any notary public or
6 justice of the peace in the State of Maine, for either of the
7 following causes :

I. When the deponent resides out of, or is absent from
2 the state.

2. When the deponent is bound to sea, or is about to go
2 out of the state.

3. When the deponent is so aged, infirm or sick as to be
2 unable to attend at the place of hearing.

Such deposition shall be taken by written interrogatories to
2 be filed with the chairman, and the adverse party shall have
3 ten days after written notice of such filing to him or his
4 attorney, in which to file cross-interrogatories thereto, and
5 if cross-interrogatories are not so filed within ten days after
6 such notice, the right of cross-examination shall be consid-
7 ered waived.

The deponent shall be duly sworn and after his answers
2 have been written out, the deposition shall be signed and
3 sworn to by the deponent before the commissioner author-
4 ized to take it, and shall by him be sealed up and sent to the

5 chairman of the industrial accident commission at Augusta,
6 to compel the production of books and papers and photo-
7 graphs relating to any questions in dispute before it.

Sec. 30. Memorandum of agreement as to compensation ;
2 proceedings upon failure to agree or when agreement is not
3 approved. If the employer and the employee reach
4 an agreement in regard to compensation under this
5 act a memorandum of such agreement signed by the
6 parties shall be filed in the office of the commis-
7 sion. If the commissioner finds that such agreement
8 is in conformity with the provisions of this act, he
9 shall approve the same and the clerk of the commis-
10 sion shall record it in a book kept for that pur-
11 pose. In case the commissioner shall find that any
12 such agreement is not in conformity with the provisions of
13 this act and shall refuse to approve the same, or if the em-
14 ployer and employee fail to reach an agreement in regard to
15 compensation under this act, either employer or employee,
16 and when death has resulted from the injury and the de-
17 pendants of the deceased employee entitled to compensation
18 are, or the apportionment thereof among them is, in dispute,
19 any person in interest, may file in the office of the commis-
20 sion a petition setting forth the names and residences of the
21 parties, the facts relating to the employment at the time of
22 the injury, the cause, extent and character of the injury and
23 the knowledge of the employer or notice of the occurrence
24 of the injury, and, if an agreement had been reached be-

25 tween the parties which had not been approved by the com-
26 missioner, the form of such agreement and such other facts
27 as may be necessary and proper for the determination of the
28 matter in dispute, and shall state the matter in dispute and
29 the claims of the petitioner with reference thereto.

Sec. 31. Notice on petitions. Within four days after the
2 filing of the petition, a copy thereof attested by the clerk of
3 the commission shall be mailed, postage prepaid, to the other
4 parties named in the petition, or notice be given in such other
5 manner as the commission may determine.

Sec. 32. Proceedings as to answers. Within ten days
2 after the filing of such petition, all the other parties inter-
3 ested in opposition to the petition shall file an answer to said
4 petition and furnish a copy thereof to the petitioner, which
5 answer shall state the claims of the opponents with reference
6 to the matter in dispute as disclosed by the petition. The
7 chairman or associate legal member may grant further time
8 for filing answer and allow amendments to said petition and
9 answer at any stage of the proceedings. If any party oppos-
10 ing such petition does not file an answer within the time
11 limited, the hearing shall proceed upon the petition. If any
12 party be an infant or person under disability, either parent
13 or a guardian or a guardian ad litem for such infant or per-
14 son under disability may file the petition or answer required
15 by this section.

Sec. 33. Chairman or associate legal member shall fix time
2 for hearing, place of hearing. The whole matter shall then

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

Sec. 34. Proceedings at hearing; decision decree by justice
2 of supreme judicial court; appeal; modification of decree.
3 If from the petition and answer there appear to be facts in
4 dispute, the chairman or associate legal member of the com-
5 mission shall then hear such witnesses as may be presented,
6 or by agreement the claims of both parties as to the facts in
7 dispute may be presented by affidavits. From the evidence
8 thus furnished the chairman or associate legal member shall,
9 in a summary manner, decide the merits of the controversy.
10 His decision, findings of fact and rulings of law, and any
11 other matters pertinent to the questions raised at the hearing,
12 shall be filed in the office of the commission, and a copy
13 thereof certified by the clerk of the commission mailed forth-
14 with to all parties interested. His decision in the absence of
15 fraud, upon all questions of fact shall be final.

Any party in interest may present copies, certified by the
2 clerk of the commission of any order or decision of the com-
3 mission, or of its chairman or associate legal member, or of
4 any memorandum of agreements approved by the commis-
5 sioner, together with all papers in connection therewith, to
6 the clerk of courts for the county in which the injury oc-

7 curred; whereupon any justice of the supreme judicial court
8 shall render a decree in accordance therewith and notify all
9 parties. Such decree shall have the same effect and all pro-
10 ceedings in relation thereto shall thereafter be the same as
11 though rendered in a suit in equity duly heard and deter-
12 mined by said court, except there shall be no appeal there-
13 from upon questions of fact found by said commission, or
14 its chairman or associate legal member, or where the decree
15 is based upon a memorandum of agreement approved by
16 the commissioner. Upon any appeal therefrom the proceed-
17 ings shall be the same as in appeals in equity precedence and
18 the law court may, after consideration, reverse or modify
19 any decree made by a justice, based upon an erroneous rul-
20 ing or finding of law. There shall be no appeal from a de-
21 cree based upon any order or decision of the commission
22 or of its chairman or associate legal member, or upon any
23 memorandum of agreement approved by the commissioner,
24 which has not been certified and presented to the court with-
25 in twenty days after the notice of the filing thereof by
26 the commission or its chairman or associate legal member.
27 Upon the presentation to it of a certified copy of any de-
28 cision of the chairman or associate legal member terminat-
29 ing, diminishing, increasing or modifying any payments
30 under the provisions of section thirty-six, or under any de-
31 cision of said chairman or associate legal member or any
32 agreement approved by the commissioner the court shall

33 revoke or modify its decree, if any has been based thereon,
34 to conform to such decision.

Sec. 35. Agreement or decision of chairman or associate
2 legal member shall have same effect as judgment 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, shall
7 have the same effect as the judgment of a court, and a
8 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 bus-
11 iness of the employer is located, shall be enforceable by
12 the supreme judicial court by any suitable process includ-
13 ing execution against the goods, chattels and real estate,
14 and including proceedings for contempt for wilful failure
15 or neglect to obey the orders or decrees of the court, or
16 in any other manner that decrees in equity may be enforced.

Sec. 36. Agreement, award, findings, or decree may from
2 time to time be reviewed. At any time before the expira-
3 tion of two years from the date of the approval of an agree-
4 ment by the commissioner, or the entry of a decree fixing
5 compensation, but not afterwards, and before the expira-
6 tion of the period for which compensation has been fixed
7 by such agreement or decree, but not afterwards, any agree-
8 ment, award, findings or decree may be from time to time
9 reviewed by the chairman or associate legal member upon

10 the application of either party, after due notice to the other
11 party, upon the grounds that the incapacity of the injured
12 employee has subsequently ended, increased or diminished.
13 Upon such review the said chairman or associate legal
14 member may increase, diminish, or discontinue the com-
15 pensation from the date of the application for review, in
16 accordance with the facts, or make such other order as the
17 justice of the case may require, but shall order no change
18 of the status existing prior to the application for review.
19 The finding of the said chairman or associate legal member
20 upon such review shall be served on the parties and filed
21 with the clerk of the commission and may be certified to
22 the court in like time and manner and subject to like dis-
23 position as in the case of original decrees; provided that an
24 agreement for compensation may be modified at any time
25 by a subsequent agreement between the parties approved
26 by the commissioner in the same manner as original agree-
27 ments in regard to compensation are required to be ap-
28 proved by the provisions of section thirty of this act.

Sec. 37. Commission may prescribe forms and make suit-
2 able orders of procedure; construction of act. The com-
3 mission may prescribe forms and make suitable orders as
4 to procedure adapted to secure a speedy, efficient and in-
5 expensive disposition of all proceedings under this act;
6 and interpreting this act it shall construe it liberally and
7 with a view to carrying out its general purpose. The rule
8 that statutes in derogation of the common law are to be

9 strictly construed shall have no application to this act. It
10 may provide blank forms of notice, agreements, and other
11 forms required under this act.

Sec. 38. Proceedings shall not abate because of death.
2 No proceedings under this act shall abate because of the
3 death of the petitioner, but may be prosecuted by his legal
4 representative or by any person entitled to compensation by
5 reason of said death, under the provisions of this act.

Sec. 39. Agreement or petition shall be made within two
2 years. An employee's claim for compensation under this
3 act shall be barred unless an agreement or a petition as
4 provided in section thirty shall be filed within two years
5 after the occurrence of the injury, or, in case of the death
6 of the employee, or in the event of his physical or mental
7 incapacity, within two years after the death of the employee
8 or the removal of such physical or mental incapacity.

Sec. 40. Compulsory upon state, county, cities, and quasi-
2 municipal corporations. This act shall be compulsory as to
3 the state, counties, cities, water districts and other quasi-
4 municipal corporations of a similar nature. The provisions
5 of section six of this act shall not apply to the state, coun-
6 ties, cities, water districts and other quasi-municipal cor-
7 porations of a similar nature or to any towns voting to
8 accept the provisions of this act.

Sec. 41. Assenting employers shall make report of acci-
2 dents; copy of receipt in final settlement filed with com-
3 mission; penalty for neglect. All assenting employers shall

4 make prompt report to the commission of all accidents to
5 their employees in the course of employment, with the
6 average weekly wages or earnings of such employee, to-
7 gether with such other particulars as the commission may
8 require and shall also report whenever the injured employee
9 shall resume his employment and the amount of his wages
10 or earnings.

Whenever any final settlement is made with an injured
2 employee, either by the employer or insurance company, a
3 copy of the receipt or final agreement showing the total
4 amount of money paid to such injured employee, shall be
5 filed with the commission, but shall not be binding with-
6 out the approval of the commission, or of its chairman or
7 associate legal member. Any employer or insurance com-
8 pany that shall wilfully neglect or refuse to make such re-
9 ports or file any receipts or agreements required to be filed
10 under this act shall be liable to a forfeiture of ten dollars for
11 each day of such wilful neglect or refusal, to be enforced
12 by the commission in an action of debt in the name of
13 the state. All sums so recovered shall be paid into the state
14 treasury and credited to the appropriation made for the ad-
15 ministration of this act.

Sec. 42. Insurance companies shall furnish information
2 to insurance commissioner; penalty for refusal. Any in-
3 surance company insuring employers under this act shall fill
4 out any blanks and answer all questions submitted to them,
5 that may relate to policies, premiums, amount of compen-

6 sation paid and such other information as the commission
7 or the insurance commissioner may deem important, either
8 for the proper administration of this act or for statistical
9 purposes. Any insurance company which shall refuse to
10 fill out such blanks or answer such questions shall be liable
11 to a forfeiture of ten dollars for each day of such refusal,
12 to be enforced by the commission in an action of debt in
13 the name of the state. In case the employer or insurance
14 company liable for any payment under this act shall fail
15 to make the same within ten days after notification by the
16 commission that said failure to make such payment is
17 deemed by said commission to be unreasonable, then for
18 each day after the said ten days, the said employer or the
19 said insurance company, shall be liable to a forfeiture of
20 ten dollars each day for such failure or refusal, to be en-
21 forced by the commission in an action of debt in the name
22 of the state. All moneys so recovered shall be paid into
23 the state treasury and credited to the appropriation for the
24 administration of this act.

Sec. 43. Biennial report of commission. The commission
2 shall make a report for the biennial period ending June 30th
3 of an even year giving such full statistical information as
4 may be contained in its department in relation to the ad-
5 ministration of this act, particularly with reference to the
6 number of employees affected, the number injured, the
7 amount of compensations received and the cost of the same
8 to the employers.

Sec. 44. Effect upon persons engaged in commerce. This
2 act shall affect the liability of employers to employees en-
3 gaged in interstate or foreign commerce or otherwise only
4 so far as the same is permissible under the laws of the Unit-
5 ed States.

Sec. 45. Monthly payment to non-residents provided for.
2 If an employee receiving a weekly payment under this act
3 shall cease to reside in the state, or, if his residence at the
4 time of the accident is in an adjoining state, the commis-
5 sion upon application of either party may, in its discre-
6 tion, having regard to the welfare of the employee and the
7 convenience of the employer, order such payment to be
8 made monthly or quarterly instead of weekly.

Sec. 46. Unconstitutional parts of act, if any, shall not
2 affect validity of act as a whole. If any part or section of
3 this act be decided by the courts to be unconstitutional or
4 invalid, the same shall not affect the validity of the act as
5 a whole, or any part thereof, which can be given effect
6 without the part so decided to be unconstitutional or invalid.

Sec. 47. Penalty for making false statement. If for the
2 purpose of obtaining any benefit or payment under the pro-
3 visions of this act, either for himself or for any other per-
4 son, any one wilfully makes a false statement or represen-
5 tation he shall be guilty of a misdemeanor and liable to a
6 fine of not exceeding fifty dollars, and shall forfeit all right
7 to compensation under this act after conviction for such
8 offense.

Sec. 48. Penalty for false representation. No person
2 other than a member of the commission or its duly author-
3 ized subordinates and employees shall in any manner di-
4 rectly or indirectly represent the commission and procure
5 settlement of any claim arising under this act, or in any
6 manner directly or indirectly hold himself out to any em-
7 ployee, dependent or other person interested in his claim
8 to have any authority to act for said commission for any
9 purpose under this act. Any person violating the provi-
10 sions of this section shall be punished by a fine not exceed-
11 ing two hundred dollars, or by imprisonment not to exceed
12 sixty days, or by both.

Sec. 49. Act not applicable to injuries sustained prior to
2 January 1, 1916. The provisions of this act shall not apply
3 to injuries sustained or accidents which occur prior to the
4 first day of January, A. D. nineteen hundred sixteen.

Sec. 50. Sections one to forty-eight inclusive of the re-
2 vised statutes of nineteen hundred sixteen, and chapter two
3 hundred twenty-four, chapter two hundred thirty and chap-
4 ter two hundred forty-one of the public laws of nineteen
5 hundred seventeen are hereby repealed, together with all
6 other acts or parts of acts inconsistent with the preceding
7 forty-nine sections. Sections forty-nine to fifty-seven in-
8 clusive of chapter fifty of the revised statutes of nineteen
9 hundred sixteen shall be hereafter numbered fifty-one to
10 fifty-nine inclusive.