

# MAINE STATE LEGISLATURE

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



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

---

---

EIGHTIETH LEGISLATURE

---

---

HOUSE

NO. 64

---

---

House of Representatives, February 8, 1921.

Referred to Committee on Legal Affairs and Labor and 1500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Introduced by Mr. Murray of Portland.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE

---

AN ACT to Repeal Section Three of Chapter Two Hundred and Thirty-eight of the Public Laws of Nineteen Hundred and Nineteen and to Amend Sections Nine, Twelve, Thirteen, Fourteen, Fifteen and Sixteen of Said Chapter Two Hundred and Thirty-eight of the Public Laws of Nineteen Hundred and Nineteen, Relating to Workmen's Compensation.

---

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

Section 1. Section three of chapter two hundred and thirty-eight of the public laws of nineteen hundred and nineteen is hereby repealed.

Sect. 2. Section nine of chapter two hundred and thirty-eight of the public laws of nineteen hundred and nineteen is hereby amended by striking out the word "ten" in the

4 third line and inserting in place thereof the word 'seven'  
5 and by striking out the word "ten" in the fourth line and  
6 inserting in place thereof the word 'seven' and by striking  
7 out the word "eleventh" in the fifth line thereof and in-  
8 serting in place thereof the word 'eighth' and by striking  
9 out the word "ten" in the fifth line and inserting in place  
10 thereof the word 'seven,' so that said section as amended  
11 shall read as follows:

'Sect. 9. No compensation except medical, surgical and  
2 hospital services, nursing and medicines, and mechanical  
3 surgical aids as provided in section ten of this Act shall  
4 be paid thereunder during the first seven days after the  
5 accident. If incapacity exists at the expiration of seven  
6 days, compensation shall begin on the eighth day. If in-  
7 capacity arises after seven days, compensation shall begin  
8 on the date such incapacity begins.'

Sect. 3. Section twelve of chapter two hundred and thirty-  
2 eight of the public laws of nineteen hundred and nineteen  
3 is hereby amended by striking out the words "three-fifths"  
4 in the fourth line thereof and inserting in place thereof the  
5 words 'two-thirds' and by striking out the word "fifteen"  
6 in the fifth line and inserting in place thereof the word  
7 'eighteen' and by striking out the words "three thousand  
8 five hundred" in the seventh line and inserting the words  
9 'four thousand,' so that said section as amended shall read  
10 as follows:

'Sect. 12. If death results from the injury, the employer

2 shall pay the dependents of the employee wholly dependent  
3 upon his earnings for support at the time of his injury, a  
4 weekly payment equal to two-thirds his average weekly  
5 wage, earnings or salary, but not more than eighteen nor  
6 less than six dollars a week, for a period of three hundred  
7 weeks, from the date of the injury, and in no case to ex-  
8 ceed four thousand dollars, provided however, that if the  
9 dependent of the employee to whom the compensation shall  
10 be payable upon his death is the widow of such employee,  
11 upon her death the compensation thereafter payable under  
12 this Act shall be paid to the child or children of the de-  
13 ceased 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 compensa-  
18 tion shall be divided equally among them. If the employee  
19 leaves dependents only partially dependent upon his earn-  
20 ings 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 the injury. When weekly payments  
28 have been made to an injured employee before his death,

29 the compensation to dependents shall begin from the date  
30 of the last of such payments but shall not continue more  
31 than 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 chapter two hundred and  
2 thirty-eight of the public laws of nineteen hundred and nine-  
3 teen is hereby amended by striking out the words “three-  
4 fifths” in the third line and inserting in place thereof the  
5 words ‘two-thirds’; and by striking out the word “fifteen”  
6 in the fourth line and inserting in place thereof the word  
7 ‘eighteen’ and by striking out the words “forty-two hun-  
8 dred” in the seventh line and inserting in place thereof the  
9 words ‘five thousand,’ so that said section as amended shall  
10 read as follows:

‘Sect. 14. While the incapacity for work resulting from  
2 the injury is total, the employer shall pay the injured em-  
3 ployee a weekly compensation equal to two-thirds of his  
4 average weekly wages, earnings, or salary, but not more  
5 than eighteen nor less than six dollars a week; and in no  
6 case shall the period covered by such compensation be  
7 greater than five hundred weeks from the date of incapac-  
8 ity, nor the amount more than five thousand dollars; and  
9 if the employee shall die before having received compensa-  
10 tion to which he is entitled or which he is receiving as pro-

11 vided in this Act, the same shall be payable to the depend-  
12 ents of the said employee for the specified period; and the  
13 said dependents shall have the same rights and powers  
14 under this Act as said employee would have if he had lived.  
15 In the following cases it shall, for the purposes of this  
16 Act, be conclusively presumed that the injury resulted in  
17 permanent total disability, to wit: the total and irrevocable  
18 loss of sight in both eyes, the loss of both feet at or above  
19 the ankles, the loss of both hands at or above the wrists,  
20 the loss of one hand and one foot, an injury to the spine  
21 resulting in permanent and complete paralysis of the legs  
22 or arms and an injury to the skull resulting in incurable  
23 imbecility or insanity.'

Sect. 5. Section fifteen of chapter two hundred and thirty-  
2 eight of the public laws of nineteen hundred and nineteen  
3 is hereby amended by striking out the word "three-fifths"  
4 in the third line thereof and inserting in place thereof the  
5 words 'two-thirds' and by striking out the word "fifteen"  
6 in the sixth line thereof and inserting in place thereof the  
7 word 'eighteen,' so that said section as amended shall read  
8 as follows:

'Sect. 15. While the incapacity for work resulting from  
2 the injury is partial, the employer shall pay the injured  
3 employee a weekly compensation equal to two-thirds the  
4 difference between his weekly wages, earnings or salary,  
5 before the injury, and the weekly wages, earnings or sal-  
6 ary which he is able to earn thereafter, but not more than  
7 eighteen dollars a week; and in no case shall the period

8 covered by such compensation be greater than three hun-  
9 dred weeks from the date of the injury. The rate of wages  
10 before the injury shall be determined by dividing the whole  
11 amount of wages or salary earned by the injured employee  
12 during the immediately preceding year, whether for the  
13 same employer or not, by the full number of days employed  
14 during the same period, provided the injured employee has  
15 worked substantially the whole of the immediately preced-  
16 ing year at similar work. If the employee has not so  
17 worked, the weekly wages, earnings or salary of an em-  
18 ployee working substantially the whole of such immediate-  
19 ly preceding year at similar work shall be used in deter-  
20 mining the amount of partial compensation due the injured  
21 employee.'

Sect. 6. Section sixteen of chapter two hundred and thirty-  
2 eight of the public laws of nineteen hundred and nineteen  
3 is hereby amended by striking out all of said section and  
4 inserting in place thereof the following, so that said section  
5 as amended shall read as follows :

'Sect. 16. For the loss of a thumb, two-thirds the average  
2 weekly wages during fifty weeks.

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

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

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

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

The loss of the first phalange of the thumb or of any  
2 finger, shall be considered to be equal to the loss of one-  
3 half of said thumb or finger and the compensation shall  
4 be one-half the amount above specified. The loss of more  
5 than one phalange shall be considered as a loss of the 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 of  
9 a hand.

For the loss of the great toe, two-thirds the average weekly  
2 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 one-half of the amount above speci-  
4 fied.

The loss of more than one phalange shall be considered  
2 as the loss of an 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 at or above the wrist,  
2 two-thirds the average weekly wages during one hundred  
3 fifty weeks.

For the loss of a leg or any part at or above the ankle,



2 two-thirds the average weekly wages during one hundred  
3 fifty weeks.

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

For the loss of an eye or the reduction of the sight of  
2 an eye with g'asses 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 eighteen and not less than six dol-  
4 lars 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  
5 to the injuries named in this schedule and the commission  
6 shall determine the extent of the incapacity.'