

MAINE STATE LEGISLATURE

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October 22, 1945

To J. J. Allen, State Controller

Subject: Memo of May 16, 1945, C. O. #70, dated April 11, 1945

I have your memo of October 19th enclosing a copy of a memo which you sent my assistant, Neal A. Donahue, on May 16, 1945, concerning . . . the transfer of a sum of money from the State contingent fund to the State School for Boys, to cover compensation award to three employees at that institution. . .

The facts of the case are as follows: Mr. Ernest Bragdon, . . . was employed as a carpenter at the State School for Boys, at \$1.10 per hour on occasional work, and had been so employed, when the accident happened on April 12, 1944, through the years 1941, 1942 and 1943, and the work was performed under the supervision of Grube B. Cornish, Superintendent of the State School for Boys. Of course there could be no question as to whether or not Mr. Bragdon was an employee of the institution, regardless of the withholding tax, which you state was not deducted from his checks. Payment of salary is not the criterion in considering who is an employee. It is a question of who is in charge of the work, and Mr. Bragdon came within the provisions of the Workmen's Compensation Act, when this accident happened.

The matter has been passed upon by the Industrial Accident Commission, and petition was filed by Mr. Bragdon on February 12, 1945, for a lump sum settlement of \$300, including all doctors' and hospital bills to that date, which settlement was approved by the Industrial Accident Commission. On May 1, 1945, Mr. Bragdon signed a receipt for \$300. and the total medical bills which had already been paid, in the sum of \$53, which closed the case.

Mr. Bragdon was an occasional employee and was entitled to compensation under the act, according to the record in the file.

Ralph W. Farris
Attorney General

RWF:c