

# MAINE STATE LEGISLATURE

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ONE - HUNDREDTH LEGISLATURE

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Legislative Document

No. 419

S. P. 173

In Senate, January 18, 1961.

Taken from the table by Senator Mayo of Sagadahoc and referred to Committee on Labor. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Ferguson of Oxford.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-ONE

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AN ACT to Amend the Workmen's Compensation Act.

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

**Sec. 1. R. S., c. 31, § 2, sub-§ IV, amended.** Subsection IV of section 2 of chapter 31 of the Revised Statutes is amended to read as follows:

**IV. Commission; commissioner.** "Commission" shall mean the Industrial Accident Commission created by the provisions of section 29; except that as to hearings on petitions authorized by sections 9, 13, 28 and 40 and also as to proceedings under the provisions of section 23 it shall mean any 2 or more members thereof designated from time to time by the chairman one of whom shall at all times be a legal member; and except further, that in any such case by agreement of the parties the authority of the commission may be exercised by a single commissioner. "Commissioner" shall mean any member of the commission appointed under the provisions of section 29.'

**Sec. 2. R. S., c. 31, § 2, sub-§ VIII, ¶ A, amended.** Paragraph A of subsection VIII of section 2 of chapter 31 of the Revised Statutes is amended by adding at the end the following sentence:

'A wife living apart from her husband shall produce court order or other competent evidence as to separation and actual dependency.'

**Sec. 3. R. S., c. 31, § 6, sub-§ I, amended.** Subsection I of section 6 of chapter 31 of the Revised Statutes is amended by adding at the end the following sentence:

'If an insurance policy under this section is in effect, but through neglect, formal assent has not been filed, assent filed at any time shall be effective as of the effective date of such policy.'

**Sec. 4. R. S., c. 31, § 18, amended.** Section 18 of chapter 31 of the Revised Statutes is amended to read as follows:

**'Sec. 18. Injury or death due to willful intention or intoxication.** No compensation or other benefits shall be allowed for the injury or death of an employee where it is proved that such was occasioned by his willful intention to bring about the injury or death of himself or of another ~~or that the same resulted from his intoxication while on duty.~~ **No compensation or other benefits shall be allowed for the injury or death of an employee intoxicated on the job unless he can establish by competent evidence that such intoxication did not contribute to or cause the accident.** This provision as to intoxication shall not apply ~~however~~ if the employer knew that the employee was intoxicated or that he was in the habit of becoming intoxicated while on duty.'

**Sec. 5. R. S., c. 31, § 25, amended.** The first sentence of section 25 of chapter 31 of the Revised Statutes is amended to read as follows:

'When any injury **or death** for which compensation or medical benefits are payable under ~~the provisions of~~ this act shall have been sustained under circumstances creating in some person other than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim such compensation and benefits or obtain damages from or proceed at law against such other person to recover damages.'

**Sec. 6. R. S., c. 31, § 29, amended.** The 4th paragraph of section 29 of chapter 31 of the Revised Statutes is amended to read as follows:

'The commission shall appoint a clerk and ~~a reporter~~ **reporters** and such clerical assistance as may be necessary, subject to ~~the provisions of~~ the Personnel Law.'

**Sec. 7. R. S., c. 31, § 31, sub-§ II, amended.** Subsection II of section 31 of chapter 31 of the Revised Statutes is amended to read as follows:

**'II. Subpoenas.** Any commissioner may administer oath and **any commissioner, justice of the peace, notary public or clerk of any Superior Court may** issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books, papers and photographs relating to any questions in dispute before the commission or to any matters involved in a hearing. Witness fees in all proceedings under ~~the provisions of~~ this act shall be the same as for witnesses before the Superior Court. **When a witness, subpoenaed and obliged to attend before the commission or any member thereof, fails to do so without reasonable excuse, the Superior Court or any justice thereof may, on application of the Attorney General made at the written request of a member of the commission, compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.'**

**Sec. 8. R. S., c. 31, § 35, amended.** The first sentence of section 35 of chapter 31 of the Revised Statutes is amended to read as follows:

'Within ~~to~~ **15** days after notice of the filing of such petition all the other parties interested in opposition shall file an answer thereto and furnish a copy

thereof for the petitioner; which answer shall state specifically the contentions of the opponents with reference to the claim as disclosed by the petition.'

**Sec. 9. R. S., c. 31, § 36, amended.** Section 36 of chapter 31 of the Revised Statutes is amended to read as follows:

**'Sec. 36. Time and place of hearing.** The whole matter shall then be referred to a single commissioner, who shall fix a time for hearing upon at least a 5 days' notice given to all the parties. ~~All hearings shall be held in the town where the accident occurred unless it is deemed advisable that any hearing be held in some other place, in which case the commission may in its discretion reimburse the claimant for his actual traveling expenses incurred in attending the hearing; any sum of money paid for such expenses to be charged to the appropriation of the commission~~ All hearings shall be held at such towns and cities geographically distributed throughout the State as the commission shall designate. In case the place of hearing so designated is more than 10 miles distant from the place where the accident occurred, the employer shall provide or pay reasonable transportation costs of the employee in traveling to and from said hearing.'