

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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**Legislative Document**

**No. 131**

H. P. 111

House of Representatives, January 10, 1973

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Shaw of Chelsea.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT to Correct an Error in the Reorganization of the Department of  
Civil Defense and Public Safety.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the following legislation is vitally important and necessary to protect the welfare of people who are given a mission of saving lives and protecting property; and

Whereas, for the protection of the State of Maine against damages in time of emergencies; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**R. S., T. 37-A, § 72, additional.** Title 37-A of the Revised Statutes is amended by adding a new section 72 to read as follows:

**§ 72. Compensation for injuries received in line of duty**

**All members of the civil defense forces shall be deemed to be employees of the State when engaged in training for or on civil defense duty, and shall have all the rights given to state employees under the Workmen's Compensa-**

tion Act. All claims shall be filed and prosecuted and determined in accordance with the procedure set forth in the Workmen's Compensation Act.

In computing the average weekly wage of any claimant under this section, the average weekly wage shall be taken to be the earning capacity of the injured in the occupation in which he is regularly engaged.

Any sums payable under any Act of Congress or other federal program as compensation for death, disability or injury of civil defense workers shall be considered with the determination and settlement of any claim brought under this section. When payments received from the United States are less than an injured member would have been entitled to receive under this section, then he shall be entitled to receive all the benefits to which he would have been entitled under this section, less the benefits actually received from the United States.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

In the process of governmental reorganization by the 105th Legislature in regular and special session, this section of the Statutes was inadvertently left out of the document by an error in printing.