

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1153

S. P. 353

In Senate, March 20, 1975

Referred to the Committee on Labor. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Pray of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Concerning the Definition of Child and Student under the
Workmen's Compensation Statute.

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

39 MRSA § 2, sub-§ 4, ¶ C, as last amended by PL 1973, c. 788, § 219, is repealed and the following enacted in place thereof:

C. A child or children, including adopted and stepchildren, under the age of 18 years, or under the age of 23 years if a student, or over the age of 18 years but physically or mentally incapacitated from earning, upon the parent with whom he is or they are living, or upon whom he is or they are actually dependent in any way at the time of the injury to said parent, there being no surviving dependent parent. "Child" shall include any posthumous child whose mother is not living and dependent. In case there is more than one child dependent, the compensation shall be divided equally among them.

The term "student" means a person regularly pursuing a full-time course of study or training at an institution which is:

- (1) A school, college or university operated or directly supported by the United States, or by any state or local government or political subdivision thereof;
- (2) A school, college or university which has been accredited by a state or by a state recognized or nationally recognized accrediting agency or body;
- (3) A school, college or university not so accredited but whose credits are accepted, on transfer, by not less than 3 institutions which are so

accredited, for credit on the same basis as if transferred from an accredited institution;

(4) An additional type of educational or training institution as defined by the commission, but not after he reaches the age of 23 or has completed 4 years of education beyond the high school level, except that, where his 23rd birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed 5 months and if he shows to the satisfaction of the commission that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration during which, in the judgment of the commission, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States.

STATEMENT OF FACT

This Act defines the term "child" and "student" as used in the Workmen's Compensation Statute.