

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

SENATE.

No. 34

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT relating to the liability of employers to make Com-
pensation for Personal Injuries suffered by employees.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. Every corporation, company or individual who
2 may employ agents, servants or employees shall be liable to
3 respond in damages for injuries or death sustained by any
4 such agent, servant, or employee, resulting from the care-
5 lessness, omission of duty or negligence of such employer,
6 or which may have resulted from the carelessness, omission
7 of duty, or negligence of any agent, servant, or employee of
8 the said employer, or by reason of any defect or insufficiency
9 in the ways, works, plant, tools, machinery, buildings, or
10 premises, in use by, or in possession of the employer, due to

11 the carelessness, omission of duty, or negligence of such
12 employer or any of his agents, servants, or employees.

Sect. 2. In all actions hereafter brought against any
2 employer to recover damages for personal injuries to an
3 employee, or where such injuries have resulted in his death,
4 the fact that the employee may have been guilty of contribu-
5 tory negligence shall not bar a recovery where his contribu-
6 tory negligence was slight and that of the employer was
7 gross in comparison, but the damages shall be diminished
8 by the jury in proportion to the amount of negligence
9 attributable to such employee. All questions of negligence
10 and contributory negligence shall be for the jury.

Sect. 3. The fact that the employee continued in the ser-
2 vice of the employer in the same place and course of employ-
3 ment after the discovery by such employee, or after he had
4 been informed of the danger of personal injury therefrom
5 shall not bar a recovery, but said employee or his personal
6 representatives shall have the same rights to compensation
7 and of action against the employer as if he had not been an
8 employee, nor in the service, nor engaged in the work of the
9 employer.

Sect. 4. If an employer enters into a contract, written or
2 verbal, with an independent contractor to do all or any part
3 of such employer's work, or if such contractor enters into a
4 contract with a sub-contractor to do all or any part of the
5 work comprised in such contractor's contract with the
6 employer, such contract or sub-contract shall not bar the
7 liability of the employer for injuries to the employee of such
8 contractor or sub-contractor caused by any defect or insuffi-

9 ciency in the condition of the ways, works, plant, tools,
10 machinery, buildings, or premises, if they are the property
11 of the employer or are furnished by him, and if such defect
12 or insufficiency arose, or had not been discovered or reme-
13 died through the negligence of the employer, or of some
14 person entrusted by him with the duty of seeing that they
15 were in proper condition.

Sect. 5. No contract of employment, insurance, relief
2 benefit, or indemnity for injury or death, entered into by or
3 in behalf of any employee, nor the acceptance of any such
4 insurance, relief benefit, or indemnity by the person entitled
5 thereto, shall constitute any bar or defense to any action
6 brought to recover damages for personal injuries to or death
7 of such employee; provided, however, that upon the trial
8 of such action against any employer, the defendant may set
9 off therein any sum it has contributed toward any such
10 insurance, relief benefit, or indemnity that may have been
11 paid to the injured employee, or in case of his death to his
12 personal representatives.

Sect. 6. Whenever the death of an agent, servant, or
2 employee occurs, instantaneous or otherwise, and under the
3 provisions of this act an action might have been maintained
4 had death not ensued, the personal representatives of such
5 deceased person may maintain an action, the amount recov-
6 ered to be for the exclusive benefit of the widow, if no chil-
7 dren, and of the children, if no widow, and if both, then of
8 her and them equally, and, if neither, of his heirs. A
9 widower shall be entitled to the same shares as a widow in
10 any damages recovered for the death of his wife.

Sect. 7. No action shall be maintained under this act,
2 unless commenced within two years from the time the cause
3 of action accrued.

Sect. 8. All acts or parts of acts inconsistent herewith are
2 hereby repealed.

Sect. 9. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 25, 1907.

On motion by Mr. HESELTON of Kennebec, laid on the table to be
printed, pending reference to the Committee on Judiciary in concurrence.

F. G. FARRINGTON, *Secretary*.