

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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SENATE.

No. 56

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## STATE OF MAINE.

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

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AN ACT defining the liability of employers in cases of injuries  
to servants and employes.

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

Section 1. When a personal injury is received by a ser-  
2 vant or employe in the service or business of the master or  
3 employer, the master or employer is liable to answer in dam-  
4 ages to such servant or employe in the following cases:

1. When the injury is caused by reason of any defect in  
6 the condition of the ways, works, machinery, or plant con-  
7 nected with or used in the business of the master or em-  
8 ployer.

2. When the injury is caused by the negligence of any  
10 person in the service or employment of the master or employe.

11 er, who has any superintendence intrusted to him, while in  
12 the exercise of such superintendence.

3. When the injury is caused by reason of the negligence  
14 of any person in the service or employment of the master or  
15 employer, to whose orders or directions the servant or  
16 employe, at the time of the injury, was bound to conform,  
17 and did conform, if such injuries resulted from his having  
18 so conformed.

4. When the injury is caused by reason of the act or  
20 omission of any person in the service or employment of the  
21 master or employer, done or made in obedience to the rules  
22 and regulations or by-laws of the master or employer, or, in  
23 obedience to particular instructions given by any person  
24 designated with the authority of the master or employer in  
25 that behalf.

5. When the injury is caused by reason of the negligence  
27 of any person in the service or employment of the master  
28 or employer, who has the charge or control of any signal,  
29 points, locomotive, engine, switch, car, or train upon a rail-  
30 way, or of any part of the track of the railway.

But the master or employer is not liable under this sec-  
32 tion, if the servant or employe knew of the defect or negli-  
33 gence causing the injury, and failed to give information  
34 thereof to the master or employer, or to some person superior  
35 to himself engaged in the service or employment of the master  
36 or employer, unless the master or employer, or such superior  
37 already knew of such defect or negligence.

6. Damages recovered by the servant or employe, of and  
39 from the master or employer, are not subject to the payment  
40 of debts, or any legal liabilities incurred by him.

7. If such injury results in the death of the servant or em-  
42 ploye, his personal representative is entitled to maintain an  
43 action therefor, and the damages recovered are not subject to  
44 the payment of debts or liabilities, but shall be distributed ac-  
45 cording to the statute of distributions.

STATE OF MAINE.

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IN SENATE.

January 25, 1909.

Came from the House referred to the Committee on Labor and on motion by Mr. WHEELER of Cumberland tabled for printing pending reference in concurrence.

F. G. FARRINGTON, *Secretary*.