

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 249

House of Representatives, Feb. 20, 1911.

Introduced by Mr. Doyle of Millinocket, who moved its reference to the Committee on Legal Affairs. By Mr. Descoteaux of Biddeford tabled for printing pending reference to a committee.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT relating to the liability of employers to make compensation for personal injuries suffered by employes.

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

Section 1. Every corporation, company or individual who
2 may employ agents, servants or employes 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
8 of the said employer, or by reason of any defect or insuffi-
9 ciency in the ways, works, plant, tools, machinery, build-

ings, or premises, in use by, or in possession of the em-
ployer, due to the carelessness, omission of duty, or negli-
gence of such employer or any of his agents, servants, or
employees.

Sect. 2. In all actions hereafter brought against any em-
ployer to recover damages for personal injuries to an em-
ployee, or where such injuries have resulted in his death,
the fact that the employee may have been guilty of con-
tributory negligence shall not bar a recovery where his
contributory negligence was slight and that of the employer
was gross in comparison, but the damage shall be dimin-
ished by the jury in proportion to the amount of negligence
attributable to such employee. All questions of negligence
and contributory negligence shall be for the jury.

Sect. 3. The fact that the employee continued in the ser-
vice of the employer in the same place and course of em-
ployment after the discovery by such employee, or after he
had been informed of the danger of personal injury there-
from shall not bar a recovery, but said employee or his per-
sonal representatives shall have the same rights to com-
pensation and of action against the employer as if he had
not been an employee, nor in the service, nor engaged in
the work of the employer.

Sect. 4. If an employer enters into a contract, written or
verbal, with an independent contractor to do all or any part
of such employer's work, or if such contractor enters into
a contract with a sub-contractor to do all or any part of the

5 work comprised in such contractor's contract with the em-
6 ployer, such contract or sub-contract shall not bar the lia-
7 bility 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, ma-
10 chinery, buildings or premises, if they are the property of
11 the employer, or are furnished by him, and if such defect
12 or insufficiency arose, or had not been discovered or rem-
13 edied 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 ben-
2 efit, or indemnity of injury or death, entered into by or in
3 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 of
8 such action against any employer, the defendant may set off
9 therein any sum it has contributed toward any such insur-
10 ance, relief benefit, or indemnity that may have been paid
11 to the injured employee, or in case of his death to his per-
12 sonal representatives.

Sect. 6. Whenever the death of an agent, servant, or em-
2 ployee 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
7 children, and of the children, if no widow, and if both, then
8 of 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, un-
2 less 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.