

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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SENATE

NO. 575

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*In Senate, March 21, 1913.*

*Reported by Senator Stearns from Committee on Judiciary,  
and ordered printed under joint rules and 500 extra copies or-  
dered printed.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT relative to compensation to employes for personal in-  
juries received in the course of their employment and to the  
prevention of such injuries.

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

Section 1. The following words and phrases as used in this  
2 act shall, unless a different meaning is plainly required by the  
3 context, have the following meaning :

I. "Employer" shall include corporations, partnerships,  
5 natural persons, the state, counties, water districts, cities and  
6 also such towns as vote to accept the provisions of this act.

II. "Employee" shall include every person in the service of

8 another under any contract of hire, express or implied, oral  
9 or written, except (a) farm laborers, (b) domestic servants,  
10 (c) persons whose employment by corporations, partnerships  
11 and natural persons is not in the usual course of the trade,  
12 business, profession or occupation of their employers, (d)  
13 officials of the state, counties, cities, towns or water districts.

III. "Assenting Employer" shall include all employers  
15 who have complied with the provisions of section thirteen  
16 hereof and to whom a certificate authorized by such section  
17 has been issued, so long as such certificate remains in force.

IV. "Commission" shall mean The Industrial Accident  
19 Commission of the State of Maine created by section eleven  
20 hereof.

V. "Industrial Accident Insurance Policy" shall mean a  
22 policy in such form as the Commission approves, issued by  
23 any stock or mutual casualty insurance company, that may  
24 be now or hereafter authorized to do business in this State,  
25 which in substance and effect guarantees the payment of the  
26 compensation, medical and hospital services and expenses of  
27 sickness and burial hereby required, in such installments, at  
28 such time or times, to such persons or persons and upon such  
29 conditions as in this act provided. Whenever a policy or cer-  
30 tificate of renewal thereof is filed as herein provided a copy  
31 of such policy, certified by the secretary of the Commission,  
32 shall be admissible as evidence in any legal proceedings  
33 wherein the original would be admissible.

VI. "Insurance Company" shall mean any casualty insur-

35 ance company authorized to do business in the State of  
36 Maine, which may issue policies conforming to the provisions  
37 of the next preceding paragraph, or any person, copartner-  
38 ship, association, or corporation authorized by the Commis-  
39 sion to pay the compensations and benefits herein provided  
40 to their under the provisions of this act. Whenever in the  
41 sections hereof relating to procedure the word "Insurance  
42 Company" is used it shall be held to apply only to cases in  
43 which the employer has elected to file such policy instead of  
44 paying premiums to the industrial accident fund.

VII. "Representatives" may include executors, adminis-  
46 trators, or dependents of deceased employes. Payments may  
47 be made to dependents directly or to executors or adminis-  
48 trators. If payments are made to the latter they shall pay  
49 the same to dependents as herein provided.

VIII. "Dependents" shall mean members of the em-  
51 ployee's family or next of kin who were wholly or partly de-  
52 pendent upon the earnings of the employee for support at the  
53 time of the injury. The following persons shall be conclu-  
54 sively presumed to be wholly dependent for support upon a  
55 deceased employee:— (a) A wife upon a husband, (b) A  
56 child, or children under the age of eighteen years (or over  
57 said age, but physically or mentally incapacitated from earn-  
58 ing) upon the parent with whom he is, or they are, living at  
59 the time of the death of such parent, there being no surviving  
60 dependent parent. In case there is more than one child thus  
61 dependent, the death benefit shall be divided equally among

62 them. In all other cases questions of dependency, in whole  
63 or in part, shall be determined in accordance with the fact, as  
64 the fact may be at the time of the injury; and in such other  
65 cases, if there is more than one person wholly dependent, the  
66 death benefit shall be divided among them, and persons part-  
67 ly dependent, if any, shall receive no part thereof; if there  
68 is no one wholly dependent and more than one person partly  
69 dependent, the death benefit shall be divided among them ac-  
70 cording to the relative extent of their dependency. *No per-*  
71 *son residing outside the United States shall be considered a*  
72 *dependent of a deceased alien employee or entitled to com-*  
73 *pensation as such.*

IX. "Average Weekly Wages" shall mean the earnings of  
75 the injured employee during the period of fifty-two weeks  
76 immediately preceding the date of the injury divided by  
77 fifty-two; but if the injured employee lost more than two  
78 weeks' time during such period, then the earnings for the re-  
79 mainder of such fifty-two weeks shall be divided by the num-  
80 ber of weeks remaining after the time so lost has been de-  
81 ducted. Where, by reason of the shortness of time during  
82 which the employee has been in the employment of his em-  
83 ployer, or the nature or terms of the employment, it is im-  
84 practicable to compute the average weekly wages as above de-  
85 fined, regard may be had to the average weekly amount which  
86 during the fifty-two weeks previous to the injury was being  
87 earned by a person in the same grade of employment, at the  
88 same work, by the same employer; or, if there is no person

89 so employed, by a person in the same grade employed in the  
90 same class of employment and in the same county.

X. In the sections of this act relating to notices and pro-  
92 cedure all powers and rights granted to, or duties and obliga-  
93 tions imposed upon, employers or employes shall enure to the  
94 benefit of and may be exercised by guardians of minors or  
95 other incapacitated persons and representatives of deceased  
96 persons.

Sect. 2. In an action against an employer to recover dam-  
2 ages for personal injury sustained by an employee in the  
3 course of his employment or for death resulting from per-  
4 sonal injury so sustained, it shall not be a defence (a) that  
5 the employee was negligent, unless and except that such neg-  
6 ligence was wilful. (b) That the injury was caused by the  
7 negligence of a fellow employee. (c) That the employee had  
8 assumed the risk of injury.

This section shall not apply to employers who employ ten or  
10 less workmen or operatives regularly in the same business;  
11 but such employers may, by complying with this act, become  
12 subject to its provisions.

Sect. 3. The provisions of section two hereof shall not ap-  
2 ply to assenting employers. In the case of personal injury  
3 sustained by an employee in the course of his employment or  
4 of death resulting from personal injury so sustained, assent-  
5 ing employers shall be exempt from suits either at common  
6 law or under Revised Statutes, chapter eighty-nine, section  
7 tion nine, or the Act of 1909, chapter two hundred fifty-eight,  
8 or acts amendatory thereof or additional thereto.

Non-assenting employers employing the same workmen,  
10 partly in this State and partly in another state, shall also be  
11 so exempt from suits by any employee who has received, be-  
12 gun proceedings to recover or be entitled to recover compen-  
13 sation under any Workmen's Compensation Act of another  
14 state.

Sect. 4. An employee who receives a personal injury aris-  
2 ing out of, and in the course of, his employment by an as-  
3 senting employer, or the representatives of an employee who  
4 has died as the result of such personal injury arising out of  
5 and in the course of his employment by an assenting em-  
6 ployer, shall, without regard to the negligence of any person  
7 except as herein stated, be paid compensation as in this sec-  
8 tion provided. I. No compensation shall be paid under this  
9 act for the first two weeks after the injury. Compensation  
10 shall begin at the expiration of said period. II. During the  
11 first two weeks after the injury there shall be paid, subject to  
12 approval of the Commission, the cost of reasonable medical  
13 and hospital services and medicines when they are needed,  
14 but not exceeding thirty dollars in amount. In severe cases  
15 requiring surgical operations, the Commission may, in its dis-  
16 cretion, allow larger fees. III. If death results from the in-  
17 jury, the compensation to the dependents of the employee,  
18 wholly dependent on his earnings for support at the time of  
19 the injury, shall be a weekly payment equal to one-half his  
20 average weekly wages but not more than ten dollars per week  
21 nor less than four dollars per week for a period of three hun-

22 dred weeks from date of injury. If the employee leaves de-  
23 pendants only partly dependent upon his earnings for support  
24 at the time of his injury, the compensation shall be a weekly  
25 payment, equal to the same proportion of the weekly pay-  
26 ments for the benefit of persons wholly dependent as the  
27 amount contributed by the employee to such partial depen-  
28 dents bears to the annual earnings of the deceased at the time  
29 of his injury. When weekly payments have been made to an  
30 injured employee before his death, the compensation to de-  
31 pendants shall begin from the date of the last of such pay-  
32 ments but shall not continue more than three hundred weeks  
33 from the date of the injury. IV. If the employee leaves no  
34 dependents, there shall be paid to his representatives the  
35 reasonable expenses of his last sickness and burial, which  
36 shall not exceed two hundred dollars. V. When the inca-  
37 pacity for work resulting from injury is total the compensa-  
38 tion shall be a weekly payment equal to one-half his average  
39 weekly wages but not more than ten dollars per week nor  
40 less than four dollars per week for not exceeding five hun-  
41 dred weeks, but such total compensation shall not exceed  
42 three thousand dollars. VI. When the incapacity for work  
43 resulting from the injury is partial the compensation shall be  
44 a weekly payment equal to one-half the difference between  
45 his average weekly wages before the injury and the average  
46 weekly wages he is able to earn thereafter, but not more than  
47 ten dollars per week and in no case shall the period covered  
48 by such compensation be greater than three hundred weeks



49 from date of injury. VII. In case of the following specified  
50 injuries, the amounts hereinafter named shall be paid in ad-  
51 dition to all other compensations: (a) For loss by severance  
52 of both hands at, or above the wrists, or the permanent total  
53 loss of the use thereof, or both feet at, or above the ankle, or  
54 the permanent total loss of the use thereof, or the loss of one  
55 hand and one foot, or the permanent total loss of the use  
56 thereof, or the reduction to one-tenth of normal, vision in  
57 both eyes with glasses, one-half the average weekly wages of  
58 the injured person but not more than ten dollars per week,  
59 nor less than four dollars per week, for a period of one hun-  
60 dred weeks. (b) For loss by severance of either hand at or  
61 above the wrist or the permanent total loss of the use thereof,  
62 or either foot at or above the ankle, or the permanent total  
63 loss of the use thereof, or the reduction to one-tenth of  
64 normal vision in either eye with glasses, one-half the aver-  
65 age weekly wages of the injured person, but not more than  
66 ten dollars per week, and not less than four dollars per  
67 week, for a period of fifty weeks. (c) For loss by severance  
68 at, or above the second joint of two or more fingers, thumbs  
69 or toes, one-half the average weekly wages of the injured  
70 person but not more than ten dollars per week nor less than  
71 four dollars per week for a period of twenty-five weeks. (d)  
72 For loss by severance of at least one phalanx of a finger,  
73 thumb or toe, one-half the average weekly wages of the in-  
74 jured person, but not more than ten dollars per week nor less  
75 than four dollars per week for a period of twelve weeks.

Sect. 5. No savings or insurance of the injured employee  
2 independent of this act shall be taken into consideration in  
3 determining the compensation to be paid hereunder; nor  
4 shall benefits derived from any other source be considered  
5 in fixing the compensation under this act.

Sect. 6. An employee who claims compensation hereunder,  
2 or some person in his behalf, shall give notice of the time,  
3 place and cause of the injury. The notice shall be in writ-  
4 ing and shall not be invalidated by any informality or any  
5 inaccuracy unless in intent and in effect misleading. The  
6 notice shall, within thirty days after the injury, be served  
7 by sending same by registered mail to the Insurance Com-  
8 pany or its agent, or to the Commission. The Commission  
9 shall forthwith send a copy of any such notice received by  
10 it to the Insurance Company, or its agent. Failure to give  
11 notice as above shall not bar recovery, if due to accident,  
12 mistake or misfortune. Actual knowledge within thirty  
13 days, by the commission or any member in case of insur-  
14 ance through the industrial accident fund or by the Insur-  
15 ance Company or its agent, shall render such notice unrec-  
16 essary.

Sect. 7. No agreement by an employee to waive his rights  
2 to compensation under this act shall be valid. No payment  
3 under this act shall be assignable or subject to attachment,  
4 or be liable in any way for any debts. The Commission  
5 may in unusual cases, if the parties agree, approve the re-  
6 demption of the liability hereby created by the payment of

7 a sum equivalent to the present worth thereof. But except  
8 in the case of the special injuries described in Section four,  
9 Paragraph VII, such redemption shall not be approved un-  
10 til the expiration of six months after the injury.

Sect. 8. After an employee has received an injury, and  
2 from time to time thereafter during the continuance of his  
3 disability, he shall, if so requested by the Commission, sub-  
4 mit himself to an examination by a physician or surgeon  
5 authorized to practice medicine under the laws of this State,  
6 appointed for the purpose by the Commission. The Com-  
7 mission, upon request of the employer or Insurance Com-  
8 pany, shall order such examination. The employee shall  
9 have the right to have a physician provided and paid for by  
10 himself, present at the examination. If he refuses to sub-  
11 mit himself for the examination, or in way wilfully ob-  
12 structs the same, his right to compensation shall be suspend-  
13 ed, and his compensation during the period of suspension  
14 shall be forfeited. The Commission may appoint a duly  
15 qualified, impartial physician to examine the injured em-  
16 ployee and to report. The fee for this service shall not ex-  
17 ceed five dollars and actual necessary traveling expenses for  
18 each such examination, which shall be paid by the Commis-  
19 sion in case the examination is ordered by the Commission  
20 upon its own motion; otherwise by the party requesting  
21 the same.

Sect. 9. No compensation or benefits shall be allowed for  
2 the injury or death of any employee where it is proved that

3 his injury or death was occasioned by his own wilful negli-  
4 gence or resulted from his intoxication, while on duty. This  
5 provision as to intoxication shall not apply if the employer  
6 knew, or, in the exercise of ordinary care, might have  
7 known that the employee was intoxicated, or that he was  
8 in the habit of becoming intoxicated while on duty. If the  
9 injury to the employee resulting in disability or death shall  
10 be caused by the employer's wilful negligence or wilful vio-  
11 lation of any law requiring the use of safety devices, such  
12 employer shall be liable to pay for the benefit of said em-  
13 ployee and the State, a sum equal to the present worth of  
14 such compensation as such employee is entitled to hereun-  
15 der. Such liability shall be enforced by the Commission  
16 by an action on the case in the supreme judicial or any su-  
17 perior court in the name of such employee. No settlement  
18 of such liability shall be valid unless approved by the Com-  
19 mission. Any sum so recovered shall be disposed of as fol-  
20 lows: One-half of such sum shall be paid to the State  
21 treasurer for the benefit of the State; one-half shall be  
22 paid to the State treasurer to be by him added to the In-  
23 dustrial Accident Fund and paid to such employee in addi-  
24 tion to his other compensation in monthly payments or oth-  
25 erwise as the Commission may determine. The finding by  
26 the Commission of such present worth shall be prima facie  
27 evidence thereof, but shall be subject to review by the  
28 court.

Sect. 10. Where the injury for which compensation is

2 payable under this act was caused under circumstances  
3 creating a liability in some person other than the assenting  
4 employer to pay damages in respect thereof the employee  
5 may at his option proceed by suit at law to recover damages  
6 or may proceed under this act to recover compensation, but  
7 shall not have both remedies. If compensation shall be paid  
8 or adjudicated under this act, such liability may be enforced  
9 by an action on the case in the name of such employee,  
10 either (as the case may be) by the Insurance Company for  
11 its own benefit, or by the Commission for the benefit of the  
12 Industrial Accident Fund.

Sect. 11. A Commission is hereby created to be known  
2 as The Industrial Accident Commission of the State of  
3 Maine and it shall consist of three members. The Insur-  
4 ance Commissioner and the Commissioner of Labor and  
5 Industry shall be ex-officio members of this Commission.  
6 The Governor shall, with the advice and consent of the  
7 Council, appoint a chairman of this Commission who shall  
8 hold office for three years from date of appointment and  
9 unless removed, as hereunder provided, shall hold office  
10 until his successor is appointed and qualified. Such chair-  
11 man shall be sworn and for inefficiency, wilful neglect of  
12 duty or for malfeasance in office, may after notice and  
13 hearing be removed from office by the Governor and Coun-  
14 cil. In case of vacancy occurring through death, resigna-  
15 tion or removal, the Governor shall, with the advice and  
16 consent of the Council, appoint a successor for the whole

17 term of three years, subject to removal as aforesaid. Such  
18 chairman shall receive a salary of three thousand dollars  
19 per annum. The other members of the Commission shall  
20 receive a salary of five hundred dollars per annum in addi-  
21 tion to compensation received by them under existing law.  
22 The members of the Commission shall also receive their  
23 traveling and other expenses actually and necessarily in-  
24 curred in the performance of their duties.

The Commission shall have a secretary appointed and re-  
26 movable by it whose salary shall be fifteen hundred dollars  
27 per annum. It shall be allowed the sum of ten thousand  
28 dollars, or so much thereof as is necessary, for expert and  
29 clerical assistance and other expenses in organizing a suit-  
30 able system of administration. From and after January  
31 first, nineteen hundred and fourteen, it shall be allowed the  
32 sum of ten thousand dollars per annum, or such part there-  
33 of as is necessary, for clerical and other assistance, travel-  
34 ing expenses, physicians' and witness fees and other neces-  
35 sary expenses.

The Commission shall have a seal bearing the words "In-  
37 dustrial Accident Commission Maine." It shall have its  
38 office and keep its records at the State House in Augusta  
39 but may hold its sessions at any place within the state. The  
40 Commission shall have and exercise the following powers:

I. To make rules and regulations not inconsistent with  
42 this act or other laws of the state for the purpose of carry-  
43 ing out the provisions hereof. Such rules shall be subject  
44 to approval by a justice of the Supreme Judicial Court.

II. To establish rules for determining and to determine  
46 the amount of premiums to be paid by assenting employers;  
47 such amounts to have reference to the number of employees,  
48 amount of pay-roll, hazard of employment; the sums neces-  
49 sary for segregation as provided herein and for the estab-  
50 lishment of a reasonable reserve.

Sect. 12. The Commission in addition to the powers and  
2 duties herein otherwise granted and imposed shall have the  
3 following powers and be subject to the following duties:

I. To issue subpoenas for witnesses and subpoenas duces  
5 tecum to compel the production of books and papers relating  
6 to questions in dispute before it or before any member of it.  
7 Witness fees shall be the same as in case of witnesses before  
8 probate courts.

II. To approve any settlement made in accordance with  
10 the provisions hereof between an Insurance Company and  
11 any injured employee of an assenting employer. No such  
12 settlement shall be valid unless in writing, filed with the  
13 Commission and approved by it.

III. To determine the amount of compensation to be paid  
15 any injured employee; and the amount to be paid for med-  
16 ical and hospital services or for sickness and burial under  
17 paragraphs II and IV of section four hereof.

For the purpose of determining the amount of compensa-  
19 tion in cases where no settlement has been made and ap-  
20 proved, hearing shall be held in the town where the accident  
21 occurred, causing the injury or death, unless the claimant

22 consents that such hearing shall be elsewhere. Such hearing  
23 may be before the chairman of the board or one of the mem-  
24 bers, designated by the chairman for that purpose, or it may  
25 be before the Commission. If the hearing shall be held  
26 before the chairman, or one member, either party within  
27 seven days from the time findings are filed, shall have the  
28 right to appeal to the Commission. Hearings on appeal  
29 before the Commission shall be held at Augusta, unless the  
30 Commission otherwise determines. Such findings, original  
31 or on appeal, shall be filed in the office of the Commission.  
32 Reasonable notice of hearings and findings shall be given  
33 the claimant and Insurance Company. Such notice may be  
34 given by sending same by mail postpaid directed to such  
35 post office address as the person to be notified has given to  
36 the Commission. Otherwise, the Commission may give no-  
37 tice in any manner that it deems proper.

IV. If aggravation, diminution or termination of disa-  
39 bility takes place, or is discovered after the right of com-  
40 pensation shall have been established, the Commission may  
41 upon application of the beneficiary or Insurance Company,  
42 or upon its own motion, readjust for future application the  
43 rate of compensation in accordance with the rules in this act  
44 provided, or in a proper case, terminate payments. Before  
45 taking such action, however, the Commission shall give all  
46 parties interested reasonable opportunity to be heard.

V. To determine and make return to the state treasurer  
48 of the amount necessary to be set apart to pay such adjudi-



49 cated claims upon the Industrial Accident Fund as in the  
50 opinion of the Commission will continue more than a year.  
51 In making such determination they shall assume interest at  
52 three and one-half per cent. per annum with annual rests,  
53 and shall use where applicable the American Mortality  
54 Table.

VI. To require employers to make prompt reports of all  
56 accidents to their employees in the course of their employ-  
57 ment with the average weekly wage or earnings of such em-  
58 ployee and such other particulars as the Commission deems  
59 important; also to report whenever an injured employee  
60 shall resume his employment and the amount of his wages  
61 or earnings, and from time to time make such other reports  
62 as they may deem necessary. Any employer who shall wil-  
63 fully neglect or refuse to make such reports shall be liable  
64 to a forfeiture of ten dollars for each day's such wilful neg-  
65 lect or refusal to be enforced by the Commission in an action  
66 of debt in the name of the state for the benefit of the In-  
67 dustrial Accident Fund.

VII. To make annual return to the Governor and Coun-  
69 cil with full statistical information and such recommendations  
70 as it deems wise.

VIII. No hearing for determining compensation shall be  
72 had unless a petition for the same, signed by the claimant,  
73 or some person in his behalf, is presented to the Commis-  
74 sion within one year from the date of the injury.

Sect. 13. I. Any employer desiring to become an assent-

2 ing employer as herein provided may file with the Commis-  
3 sion his written assent in such form as the Commission ap-  
4 proves and pay to the Commission such premium as the  
5 Commission determines.

II. Any employer desiring to become an assenting em-  
7 ployer as herein provided may file with the Commission his  
8 written assent in such form as the Commission approves and  
9 file with the Commission and Industrial Accident Insurance  
10 Policy in such form as the Commission determines.

III. Any employer desiring to become an assenting em-  
12 ployer as herein provided, may file with the Commission his  
13 written assent, in such form as the Commission approves;  
14 and upon furnishing satisfactory proof to the Commission  
15 of his solvency and financial ability to pay the compensation  
16 and benefits herein provided and make such payments direct  
17 to his employees, shall be allowed to do so under such con-  
18 ditions as the Commission may determine. The Commis-  
19 sion shall require a deposit of cash, satisfactory securities  
20 or a bond running to the Commission, or their successors in  
21 office, in such a sum and in such conditions as may be deter-  
22 mined by said Commission for the faithful performance of  
23 the provisions of this act. Said deposit shall be lodged with  
24 the state treasurer and a suitable voucher given therefor.

IV. Thereupon, the Commission shall issue to such em-  
26 ployer a certificate stating that such employer has conformed  
27 to the provisions of this act and setting forth the date to  
28 which the premium has been paid, or at which the policy

29 expires. The certificate shall remain in force until such  
30 date.

A notice in such form as the Commission approves, stating  
32 that the employer has conformed to the provisions of this  
33 act and the date to which the premium has been paid, or  
34 date of expiration of policy, together with such further mat-  
35 ters as the Commission determines shall be posted by the  
36 employer and kept posted by him at some place in each of  
37 his mills, factories or places of business conspicuous and  
38 accessible to his employees. For wilful failure to so post  
39 such notices the employer shall be subject to a forfeiture  
40 of ten dollars per day for every day of such wilful neglect,  
41 which forfeiture may be enforced by the Commission in an  
42 action of debt in the name of the state for the benefit of the  
43 Industrial Accident Fund. Such failure to so post notices  
44 shall not, however, affect the rights or liabilities of the em-  
45 ployer hereunder.

V. The Commission may require payment of further pre-  
47 mium by any employer in case of mistake or changed con-  
48 ditions, or in case it shall be necessary for the purpose of  
49 meeting claims for compensation according to the terms here-  
50 of. Any employer who assents to this act and pays pre-  
51 miums to the Industrial Accident Fund as provided by the  
52 first paragraph of this section, shall be held to have prom-  
53 ised to make such further payment. In case the premium  
54 collected shall be more than is necessary to satisfy claims  
55 for compensation hereunder, the Commission may in its dis-

56 cretion order a rebate to employers who have paid such ex-  
57 cessive premiums. The additional premium to be paid by  
58 any employer, as provided in this paragraph, may be recov-  
59 ered by the Commission in an action of debt, in behalf of the  
60 state, for the benefit of the Industrial Accident Fund.

Sect. 14. There is hereby created a fund to be known as  
2 The Industrial Accident Fund, which shall be held by the  
3 state treasurer and be by him deposited in such banks or  
4 otherwise, as may be authorized by the laws of the state.  
5 All moneys received by the Commission shall be paid over  
6 forthwith to the state treasurer and become a part of the  
7 Industrial Accident Fund.

The state treasurer shall set apart the sum of twenty-five  
9 thousand dollars, which shall become a part of the fund.  
10 The sum so set apart shall be repaid to the state out of the  
11 fund in five equal annual installments, with interest at three  
12 and one-half per cent per annum, payable annually.

The state treasurer, with the approval of the Governor, is  
14 authorized to invest such fund, or any part thereof, in any  
15 securities which are a legal investment for savings banks,  
16 under the laws of the state of Maine, and with such ap-  
17 proval may sell such securities and apply the proceeds to  
18 meet current disbursements as provided hereby.

Payments from such fund shall be made as follows:

At each regular meeting of the Governor and Council the  
21 Commission shall present an estimate of the amount neces-  
22 sary to pay compensation to become payable before the reg-

23 ular meeting of the Governor and Council, to be held in the  
24 next following month.

Whereupon the Governor and Council shall issue its war-  
26 rant for such amount payable to the Industrial Accident  
27 Commission. Such estimates and warrants shall specify  
28 separately the amounts to be paid from segregated and un-  
29 segregated moneys.

The sums received upon such warrants shall be disbursed  
31 by the Commission to employees entitled thereto, under this  
32 act, and shall be accounted for on a monthly account cur-  
33 rent, to be filed with the state auditor. Any unused balance  
34 shall be covered into the state treasury whenever directed by  
35 the Governor and shall become a part of the Industrial Ac-  
36 cident Fund.

The state treasurer shall set apart such part of the funds  
38 as is necessary, to be segregated under the provisions of  
39 section twelve, paragraph V, and shall keep a separate ac-  
40 count of segregated and unsegregated moneys, crediting each  
41 with its increment and charging it with the disbursements  
42 made on account of it.

Sect. 15. In all legal proceedings herein authorized to be  
2 brought by the Commission the attorney general shall repre-  
3 sent the state.

Sect. 16. Any employee entitled to compensation or other  
2 relief from an Insurance Company, as herein provided, may  
3 file with the clerk of the supreme judicial court of the county  
4 where the claimant resides a copy certified by the secretary

5 of the Commission of (a) A written agreement fixing the  
6 amount and time or times of payment of compensation or  
7 other relief, signed by the Insurance Company and approved  
8 by the Commission, or (b) A finding of such amount and  
9 time or times by one member of the Commission, no appeal  
10 having been claimed, and the time herein fixed for appealing  
11 having elapsed, or (c) A finding of such amounts and time  
12 or times by the Commission.

Whereupon the court may issue its decree ordering pay-  
14 ment in accordance with such findings and may enforce same  
15 by execution, by contempt proceedings or by other appropri-  
16 ate process.

The agreement or finding shall be conclusive as to questions  
18 of fact. Questions of law appearing on the record or shown  
19 otherwise may be reviewed by the supreme judicial court  
20 upon certiorari. In cases where review on legal grounds  
21 is asked by the Insurance Company any weekly compensa-  
22 tion ordered by the Commission shall not be suspended but  
23 shall be paid until the court renders its final decision and  
24 thereafter continued, modified or terminated as required by  
25 the court's final judgment.

Sect. 17. Any employee of an assenting employer shall be  
2 subject to the provisions of this act and shall be conclusively  
3 presumed to have waived and surrendered all rights and  
4 remedies against such assenting employer either at common  
5 law or under any act other than this act and amendments  
6 thereof and additions thereto, unless at the beginning of his

7 employment, or before the injury is received, for which  
8 compensation is claimed and within fifteen days after the  
9 posting of notices, as provided by section thirteen of this  
10 act, in cases where such posting is required, he voluntarily  
11 and without being influenced thereto directly or indirectly  
12 by the employer, notifies his employer in writing that he  
13 elects not to be subject to the provisions hereof. Employees  
14 of a non-assenting contractor or sub-contractor shall for  
15 purposes of this act be considered the employees of the per-  
16 son (being an assenting employer) in the prosecution of  
17 whose trade, business, profession or occupation they are  
18 employed. Nothing herein, however, shall release or in any  
19 way affect the liability at common law or under any statute  
20 of any such non-assenting contractor or sub-contractor.

Sect. 18. An employee of an assenting employer who has  
2 given the notice specified in section seventeen hereof shall  
3 have no right to compensation under this act, but may main-  
4 tain an action for damages at common law or under Revised  
5 Statutes, chapter eighty-nine, section nine, or under the Act  
6 of 1909, chapter two hundred fifty-eight, and acts amenda-  
7 tory thereof and additional thereto, but such action shall  
8 be subject to all defenses to which it would be subject if  
9 this act had not been passed.

Sect. 19. This act is intended to be compulsory as to the  
2 state, counties and cities. It shall be the duty of the Gov-  
3 ernor and Council in behalf of the state, county commis-  
4 sioners in behalf of their respective counties, and in behalf

5 of their respective municipalities the mayor and aldermen  
6 of cities and the selectmen of such towns as vote to accept  
7 the provisions of this act to direct the taking of such action  
8 and the payment of such premiums as is necessary to con-  
9 form to section thirteen hereof. And it shall be the duty  
10 of the treasurers of the state, counties, cities and such towns  
11 to take such action and make such payments. The state,  
12 counties and cities shall be exempt from the duty of post-  
13 ing notices required by section thirteen hereof.

Sect. 20. This act shall not apply to any injury received  
2 by any employee prior to January first, nineteen hundred  
3 and fourteen. The rights and remedies existing under any  
4 law other than this act shall remain in full force with refer-  
5 ence to such injury.

Sect. 21. All acts and parts of acts inconsistent herewith  
2 are hereby repealed.

Sect. 22. This act shall, subject to the provisions of the  
2 Constitution of Maine, take effect as follows:

Section 11 shall take effect ninety days after the recess of  
4 the Legislature.

Section fourteen and paragraph I of section thirteen shall  
6 take effect any time on or after January first, nineteen hun-  
7 dred and fourteen, upon the following conditions:

Whenever five or more employers, regularly employing  
9 three thousand or more employees, shall file with the Gov-  
10 ernor their request that the state assume the administration  
11 of the Industrial Accident Fund hereby created, the Gov-



12 error, if satisfied that such request conforms to this condi-  
13 tion, shall issue his proclamation therein fixing a date for  
14 such provisions to become operative and at the date thus  
15 fixed said section fourteen and paragraph I of section thir-  
16 teen shall go into effect.

The other sections and paragraphs hereof shall take effect  
18 on January first, nineteen hundred and fourteen.