

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 55

House of Representatives, Jan. 29, 1919.

Tabled pending reference to a committee by Mr. Barnes of Houlton and 2000 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Smith of Skowhegan.

STATE OF MAINE

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

AN ACT to Amend Chapter Fifty of the Revised Statutes,
Relative to Compensation for Personal Injuries to Em-
ployees.

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

Section 1. Section nine of said chapter fifty is hereby
2 amended so as to read as follows:

'Sect. 9. Employee shall be incapacitated ten days before
2 compensation. No compensation, except as provided by
3 the following sections, shall be paid under this act for any
4 injury which does not incapacitate the employee for a period
5 of at least ten days from earning full wages, but, if such
6 incapacity shall extend beyond the period of ten days, com-

7 pensionation as hereinafter provided shall be computed from
8 the date of the commencement of such disability and pay-
9 ments for the first ten days' disability shall be made on the
10 fourteenth day after the commencement thereof.'

Sect. 2. Section ten of said chapter fifty is hereby amend-
12 for such medical services, medicines and operations shall be

'Sect. 10. Employer shall furnish medical aid during first
2 thirty days. During the first thirty days after the injury
3 the employer shall furnish reasonable medical and hospital
4 services, and medicines when they are needed, but the
5 amount of the charge for such services and medicines shall
6 not exceed the sum of one hundred dollars, except in cases
7 where surgical operations are required, and in no case shall
8 the total amount of medical and surgical expense charge-
9 able to the employer exceed the sum of two hundred dol-
10 lars. In all cases where the employer and employee are
11 unable to agree upon the same, the amount to be allowed
12 for such medical services, medicines and operations shall be
13 fixed by the commission upon petition by either party set-
14 ting forth the facts, and in no case shall the same exceed
15 the amount ordinarily charged in that community to per-
16 sons similarly situated, for the same services.'

Sect. 3. Section twelve of said chapter fifty is hereby
2 amended by striking out the words "one-half" in the fourth
3 line thereof, and substituting the words 'two-thirds'; and
4 by striking out the word "ten" in the fifth line thereof, and
5 substituting the word 'fifteen'; and by striking out the word

6 “four” in the fifth line thereof and substituting the word
7 ‘six’ so that said section as amended shall read as follows:

‘Sect. 12. Employer’s liability for death. If death re-
2 sults from the injury, the employer shall pay the depend-
3 ents of the employee wholly dependent upon his earnings
4 for support at the time of his injury a weekly payment
5 equal to two-thirds his average weekly wages, earnings or
6 salary, but not more than fifteen dollars nor less than six
7 dollars a week, for a period of three hundred weeks from
8 the date of the injury; provided, however, that if the de-
9 pendent of the employee to whom the compensation shall
10 be payable upon his death is the widow of such employee,
11 upon her death the compensation thereafter payable under
12 this act shall be paid to the child or children of the deceased
13 employee, including adopted and step-children, under the
14 age of eighteen years, or over said age, but physically or
15 mentally incapacitated from earning, who are dependent
16 upon the widow at the time of her death. In case there is
17 more than one child thus dependent, the compensation shall
18 be divided equally among them. If the employee leaves
19 dependents only partly dependent upon his earnings for
20 support at the time of his injury, the employee shall pay
21 such dependents for a period of three hundred weeks from
22 the date of the injury a weekly compensation equal to the
23 same proportion of the weekly payments herein provided
24 for the benefit of persons wholly dependent as the amount
25 contributed annually by the employee to such partial de-

26 pendants bears to the annual earnings of the deceased at
27 the time of injury. When weekly payments have been made
28 to an injured employee before his death, the compensation
29 to dependents shall begin from the date of the last of such
30 payments, but shall not continue more than three hundred
31 weeks from the date of the injury. Provided, however, that
32 if the deceased leaves no dependents at the time of the in-
33 jury, the employer shall not be liable to pay compensation
34 under this act except as specifically provided in the fol-
35 lowing section.'

Sect. 4. Section fourteen of said chapter fifty is hereby
2 amended by striking out the words "one-half" in the third
3 line thereof, and substituting the words 'two-thirds'; and
4 by striking out the word "ten" in the fourth line thereof
5 and substituting the word 'fifteen' and by striking out the
6 word "four" in the fourth line thereof and substituting the
7 word 'six'; and by striking out the words "three thousand"
8 in the seventh line thereof, and substituting the words 'four
9 thousand'; so that said section as amended shall read as
10 follows:

'Sect. 14. Compensation for total disability; total dis-
2 ability, how determined. While the incapacity for work
3 is total, the employer shall pay the injured employee a
4 weekly compensation equal to two-thirds his average week-
5 ly wages, earnings or salary, but not more than fifteen nor
6 less than six dollars a week; and in no case shall the period
7 covered by such compensation be greater than five hundred

8 weeks from the date of the injury, nor the amount more
9 than four thousand dollars. In the following cases it shall,
10 for the purposes of this act, be conclusively presumed that
11 the injury resulted in permanent total disability, to-wit;
12 the total and irrevocable loss of sight in both eyes, the loss
13 of both feet at or above the ankle, the loss of both hands
14 at or above the wrist, the loss of one hand and one foot,
15 an injury to the spine resulting in permanent and complete
16 paralysis of the legs and arms, and an injury to the skull
17 resulting in incurable imbecility or insanity.'

Sect. 5. Section fifteen of said chapter fifty is hereby
2 amended by striking out the words "one-half" in the third
3 line thereof, and substituting the words 'two-thirds'; and
4 by striking out the word "ten" in the sixth line thereof,
5 and substituting the word 'fifteen,' so that said section as
6 amended shall read as follows:

'Sect. 15. Compensation for partial disability. While the
2 incapacity for work resulting from the injury is partial, the
3 employer shall pay the injured employee a weekly compen-
4 sation equal to two-thirds the difference between his aver-
5 age weekly wages, earnings or salary, before the injury
6 and the average weekly wages, earnings or salary which
7 he is able to earn thereafter, but not more than fifteen dol-
8 lars per week, and in no case shall the period covered by
9 such compensation be greater than three hundred weeks
10 from the date of the injury.'

Sect. 6. Section sixteen of said chapter fifty is hereby
2 amended so as to read as follows:

‘Sect. 16. Schedule of accidents and compensation for
2 other permanent partial disability. In cases included in
3 the following schedule the disability in each such case shall
4 be deemed to be total for the period specified and after such
5 specified period, if there be a partial incapacity for work
6 resulting from the injury specified, the employee shall re-
7 ceive compensation while such partial incapacity continues,
8 under the provisions of section fifteen, but in no case shall
9 compensation continue more than three hundred weeks after
10 the injury. The compensation to be paid for the injuries
11 hereinafter specified shall be as follows, to wit:

For the loss of a thumb, two-thirds the average weekly
2 wages during fifty weeks.

For the loss of the first finger, commonly called the index
2 finger, two-thirds the average weekly wages during thirty
3 weeks.

For the loss of the second finger, two-thirds the average
2 weekly wages during twenty-five weeks.

For the loss of the third finger, two-thirds the average
2 weekly wages during eighteen weeks.

For the loss of the fourth finger, commonly called the
2 little finger, two-thirds the average weekly wages during
3 fifteen weeks.

The loss of the first phalange of the thumb or of any
2 finger shall be considered to be equal to the loss of one-

3 half of said thumb or finger, and the compensation shall
4 be one-half of the amount above specified. The loss of
5 more than one phalange shall be considered as a loss of
6 entire thumb or finger; provided, however, that in no case
7 shall the amount received for the loss of more than one
8 finger exceed the amount specified in this schedule for the
9 loss of a hand.

For the loss of a great toe two-thirds the average weekly
2 wages during twenty-five weeks.

For the loss of one of the toes other than the great toe
2 two-thirds the average weekly wages during ten weeks.

The loss of the first phalange of any toe shall be consid-
2 ered to be equal to the loss of one-half of said toe, and the
3 compensation shall be equal to one-half of the amount above
4 specified.

The loss of more than one phalange shall be considered
2 as the loss of the entire toe.

For the loss of a hand two-thirds the average weekly wage
2 during one hundred twenty-five weeks.

For the loss of an arm, or any part above the wrist, two-
2 thirds the average weekly wages during one hundred fifty
3 weeks.

For the loss of a leg, or any part above the ankle, two-
2 thirds the average weekly wages during one hundred fifty
3 weeks.

For the loss of a foot, two-thirds the average weekly wages
2 during one hundred twenty-five weeks.

For the loss of an eye, or the reduction of the sight there-
2 of with glasses, to one-tenth the normal vision, two-thirds
3 the average weekly wages during one hundred weeks.

In all other cases of injuries to the bodily members men-
2 tioned in this schedule, resulting in permanent partial dis-
3 ability, the compensation to be paid shall be two-thirds of
4 the average weekly wages, earnings, or salary, for such
5 portion of the time above stated for the loss of a particu-
6 lar member as the injury inflicted shall bear to the injury
7 named in this schedule, said period to be determined by
8 the commission upon consideration of the extent of per-
9 manent partial injury to such member at such time when
10 in its judgment it can be reasonably determined that the
11 injury is in fact permanent. Should the incapacity for work
12 resulting from the injury continue to any extent after the
13 period so fixed, compensation may thereafter be recovered
14 under section fifteen of this chapter.'

Sect. 7. Penalty for delaying payments. All payments
2 of compensation under this act shall be made promptly on
3 the day when the same shall be payable as herein provided;
4 and in case the employer or insurance company liable for
5 the making of any such payment shall fail to make the
6 same within one week after it shall become payable as
7 aforesaid, the employer or dependent entitled to the same
8 shall be awarded double compensation for every installment
9 so in arrears, to be enforced in the same manner as all
10 other compensation recoverable under this act; provided,

11 however, that any employer or insurance company who
12 might otherwise become liable for such double compensa-
13 tion, may, within one week after any payment would other-
14 wise fall due under this act, file with the commission, upon
15 blanks to be furnished by them and in accordance with
16 regulations to be prescribed by them, an affidavit denying
17 their liability in whole or part for the injury sustained by
18 the employee, with their reasons for such denial, and such
19 affidavit, filed in good faith and upon reasonable grounds,
20 shall relieve said employer or insurance company from the
21 penalty of double compensation as herein provided; unless
22 said commission, upon complaint of any person interested,
23 or upon its own motion, shall after notice and hearing be
24 of opinion, and so determine that such affidavit was not
25 made in good faith or upon reasonable grounds, or was
26 filed for the purpose of delay, in which case it shall not
27 operate to relieve said employer or insurance company from
28 the payment of said double compensation.

Sect. 8. Penalty for false personation. No person other
2 than a member of the commission or their duly authorized
3 subordinates or employees shall in any manner directly or
4 indirectly assume to represent the commission for the pur-
5 pose of procuring a settlement of any claim arising under
6 the terms of this act, or of said chapter fifty of the revised
7 statutes, nor in any manner directly or indirectly hold him-
8 self out to any employee, dependent or other person inter-
9 ested in any such claim, as having any authority to act in

10 behalf of said commission for any purpose under this act.
11 Any person violating this provision shall be punished by
12 fine not exceeding one thousand dollars or by imprison-
13 ment not exceeding sixty days, or both.

Sect. 9. Section thirteen of said chapter fifty is hereby
2 amended by adding thereto the following:

‘Provided, however, that if after such payment by any
2 employer in the honest belief that no dependents exist, it
3 should appear that in fact there were such dependents, the
4 sums so paid by the employer for expenses of last sickness
5 and burial shall be deducted from the amount otherwise
6 recoverable by such dependents under this act, at such
7 times and in such manner as the commission may deter-
8 mine.’