

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 247

House of Representatives, February 25, 1919.

Referred to Committee on Labor and Judiciary and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Maher of Augusta.

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,
Relating to Compensation for Personal Injuries.

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

Section thirty-four of chapter fifty of the revised statutes is hereby amended by inserting after the word "party" in the fourth line of said section, the following words: 'And consider such depositions as may be taken in accordance with chapter one hundred twelve of the revised statutes, as amended,' so that said section as amended shall read as follows:

'Sect. 34. If from the petition and answer there appear to be facts in dispute, the chairman of the commission shall

3 then hear such witnesses as may be presented by each party,
4 and consider such depositions as may be taken in accord-
5 ance with chapter one hundred twelve of the revised stat-
6 utes, as amended, or by agreement the claims of both par-
7 ties as to the facts in dispute may be presented by affidavits.
8 From the evidence thus furnished the chairman shall, in
9 a summary manner, decide the merits of the controversy.
10 His decision, together with a statement of the facts sub-
11 mitted, his findings of fact and rulings of law, and any
12 other matters pertinent to the questions raised at the hear-
13 ing, shall be filed in the office of the commission, and a
14 copy thereof certified by the clerk of the commission mailed
15 forthwith to all parties interested. His decision in the
16 absence of fraud upon all questions of fact shall be final.

Any party in interest may present copies certified by the
2 clerk of said commission of any order or decision of the
3 commission or of its chairman, or of any memorandum of
4 agreements approved by the commissioner, together with
5 all papers in connection therewith, to the clerk of courts
6 for the county in which the injury occurred; whereupon
7 any justice of the Supreme Judicial Court shall render a
8 decree in accordance therewith and notify all parties. Such
9 decree shall have the same effect and all proceedings in
10 relation thereto shall thereafter be the same as though ren-
11 dered in a suit in equity duly heard and determined by said
12 court, except there shall be no appeal therefrom upon
13 questions of fact found by said commission or its chair-

14 man, or where the decree is based upon a memorandum of
15 agreement approved by the commissioner. Upon any ap-
16 peal therefrom the proceedings shall be the same as in
17 appeals in equity procedure and the law court may, after
18 consideration, reverse or modify any decree made by a
19 justice, based upon erroneous ruling or finding of law.
20 There shall be no appeal from a decree based upon any
21 order or decision of the commission or of its chairman, or
22 upon any memorandum of agreement approved by the com-
23 missioner, which has not been certified and presented to
24 the court within ten days after the notice of filing thereof
25 by the commission or its chairman. Upon the presenta-
26 tion to it of a certified copy of any decision of the chair-
27 man of the commission terminating, diminishing, increas-
28 ing or modifying any payments under the provisions of
29 section thirty-six, or under any decision of said chairman
30 or any agreement approved by the commissioner the court
31 shall revoke or modify its decree, if any has been based
32 thereon, to conform to such decision.'