

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 265

House of Representatives, February 26, 1919.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Perkins of Boothbay Harbor.

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 Rel-
ative to Compensation for Personal Injuries to Employees.

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 by the substitution of the word 'days' for the
3 word "weeks" in the fourth and fifth lines, by striking
4 out the word "fifteenth" in the last line, and by the sub-
5 stitution of the word 'of' for the word "after" in the last
6 line, so that said section as amended shall read as follows:

'Sect. 9. No compensation except as provided by sec-
2 tion ten of this act shall be paid under this act for any
3 injury which does not incapacitate the employee for a

4 period of at least two days from earning full wages, but,
5 if such incapacity extends beyond the period of two days,
6 compensation shall begin on the day of the injury.'

Sect. 2. Section ten of said chapter fifty is hereby repealed,
2 and for it the following section is hereby substituted.

'Sect. 10. After the injury, the employer shall furnish
2 reasonable medical, surgical and hospital services, and
3 nursing and medicines when they are needed; and the em-
4 ployer and employee being unable to agree upon the same,
5 the amount to be allowed for such medical, surgical and
6 hospital services, nursing and medicine shall be fixed by
7 the commission upon petition of either party setting forth
8 the facts. The injured employee may select the attending
9 physician, nurse and the hospital to which he may be taken.
10 In all cases the burden of proof shall be upon the employer
11 to prove the charges for medical, surgical and hospital
12 services, nursing and medicines to be unreasonable, and
13 that the employee has fully recovered from the said injury
14 so as to be no longer entitled to compensation for said in-
15 jury.'

Sect. 3. Section twelve of said chapter fifty is hereby
2 amended by striking out the words "one-half" in the fourth
3 line and inserting in place thereof the words 'the full amount
4 of,' and by striking out the words "ten dollars nor less
5 than four dollars a week" in the fifth line and inserting in
6 place thereof the words 'sixteen dollars and sixty-seven
7 cents in any one week, nor more than five thousand dollars

8 in the whole' so that said section as amended shall read
9 as follows:

'Sect. 12. If death results from the injury, the employer
2 shall pay the dependents of the employee wholly depend-
3 ent upon his earnings for support at the time of his injury
4 a weekly payment equal to the full amount of his average
5 weekly wages, earnings or salary, but not more than six-
6 teen dollars and sixty-seven cents in any one week, nor
7 more than five thousand dollars in the whole, for a period
8 of three hundred weeks from the date of the injury; pro-
9 vided, however, that if the dependent of the employee to
10 whom the compensation shall be payable upon his death
11 is the widow of such employee, upon her death the com-
12 pensation thereafter payable under this act shall be paid
13 to the child or children of the deceased employee, includ-
14 ing adopted and step-children, under the age of eighteen
15 years, or over said age but physically or mentally incapaci-
16 tated from earning, who are dependent upon the widow at
17 the time of her death. In case there is more than one
18 child thus dependent, the compensation shall be divided
19 equally among them. If the employee leaves dependents
20 only partly dependent upon his earnings for support at the
21 time of his injury, the employer shall pay such dependents
22 for a period of three hundred weeks from the date of the
23 injury a weekly compensation equal to the same propor-
24 tion of the weekly payments herein provided for the bene-
25 fit of persons wholly dependent as the amount contributed

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

Sect. 4. Section fourteen of said chapter fifty is hereby
2 repealed and for it the following section is hereby substi-
3 tuted:

'Sect. 14. While the incapacity for work resulting from
2 the injury is total, the employer shall pay the injured em-
3 ployee a weekly compensation equal to the full amount of
4 his average weekly wages, earnings or salary. In the fol-
5 lowing cases it shall, for the purposes of this act, be con-
6 clusively presumed that the injury resulted in permanent
7 total disability, to wit: The total and irrevocable loss of
8 sight in both eyes, the loss of both feet at or above the
9 ankle, the loss of both hands at or above the wrist, the
10 loss of one hand and one foot, an injury to the spine result-
11 ing in permanent and complete paralysis of the legs or arms
12 and an injury to the skull resulting in incurable imbecility
13 or insanity; provided, however, that the foregoing enum-

14 eration of injuries shall not be held to be exclusive, but
15 the compensation provided in this section shall apply to
16 other injuries which may in fact result in total permanent
17 disability.'

Sect. 5. Section fifteen of said chapter fifty is hereby
2 amended by striking out the words "one-half" in the third
3 line, and by striking out all following the word "thereafter"
4 in the sixth line, so that said section fifteen as amended
5 shall read as follows:

'Sect. 15. Compensation for partial disability. 1915, c.
2 295, Par. 15. While the incapacity for work resulting from
3 the injury is partial, the employer shall pay the injured
4 employee a weekly compensation equal to the difference
5 between his average weekly wages, earnings or salary, be-
6 fore the injury and the average weekly wages, earnings or
7 salary which he is able to earn thereafter.'

Sect. 6. Section sixteen of said chapter fifty is hereby
2 repealed and for it the following section is hereby substi-
3 tuted.

'Sect. 16. In cases included in the following schedule the
2 disability in each such case shall be deemed to be total for
3 the period specified and after such specified period, if there
4 be a partial incapacity for work resulting from the injury
5 specified, the employee shall receive compensation while
6 such partial incapacity continues under the provisions of
7 section fifteen. The compensation to be paid for the in-
8 juries hereinafter specified shall be as follows, to wit:

'For the loss of a thumb, the average weekly wages during fifty weeks.

'For the loss of the first finger, commonly called the index finger, the average weekly wages during thirty weeks.

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

'For the loss of the third finger, the average weekly wages during eighteen weeks.

'For the loss of the fourth finger, commonly called the little finger, the average weekly wages during fifteen weeks.

'The loss of the phalange of the thumb or of any finger shall be considered to be equal to the loss of one-half of said thumb or finger, and the compensation shall be one-half the amount above specified. The loss of more than one phalange shall be considered as a loss of the entire thumb or finger; provided, however, that in no case shall the amount received for the loss of more than one finger exceed the amount specified in this schedule for the loss of a hand.

'For the loss of the great toe, the average weekly wages during twenty-five weeks.

'For the loss of one of the toes other than the great toe, the average weekly wages during ten weeks.

'The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of said toe and the compensation shall be one-half of the amount above 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, the average weekly wages dur-
2 ing one hundred and twenty-five weeks.

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

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

'For the loss of a foot, the average weekly wages for one
2 hundred weeks.

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

The amounts specified in this section as average weekly
2 wages shall not exceed twenty-five dollars per week.