

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 400

House of Representatives, March 25, 1921.

Reported by Mr. Murray from Committee on Legal Affairs
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Amend Chapter Two Hundred and Thirty-eight
of the Public Laws of Nineteen Hundred and Nineteen Rela-
tive to Workmen's Compensation.

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

Section 1. Sub-section eight of section one of chapter
2 two hundred and thirty-eight of the public laws of nine-
3 teen hundred and nineteen is hereby amended by inserting
4 after the word "all" in the first line of the final paragraph
5 of said sub-section, the word 'other'; and by striking out
6 the word "injury" in the third line and inserting in place
7 thereof the word 'accident' and by striking out the words
8 "in such other cases" in the third line thereof; and by strik-

9 ing out the word "any" in the seventh line and inserting in
10 place thereof the word 'no,' so that said sub-section as
11 amended shall read as follows :

'VIII. "Dependents" shall mean members of the em-
2 ployee's family or next of kin, who are wholly or partly
3 dependent upon the earnings of the employee for support
4 at the time of the injury. The following persons shall be
5 conclusively presumed to be wholly dependent for support
6 upon a deceased employee :

(a) A wife upon a husband with whom she lives, or
2 from whom she was living apart for a justifiable cause, or
3 because he had deserted her or upon whom she is dependent
4 at the time of the accident.

(b) A husband upon a wife with whom he lives, or upon
2 whom he is dependent at the time of the accident.

(c) A child or children, including adopted and step-
2 children under the age of eighteen years (or over said age,
3 but physically or mentally incapacitated from earning) upon
4 the parent with whom he is or they are living, or upon
5 whom he is or they are dependent at the time of the death
6 of said parent, there being no surviving dependent parent.
7 In case there is more than one child thus dependent, the
8 compensation shall be divided equally among them.

In all other cases questions of entire or partial depend-
2 ency shall be determined in accordance with the fact, as
3 the fact may have been at the time of the accident. If
4 there is more than one person wholly dependent, the com-
5 pensation shall be divided equally among them, and the

6 persons partially dependent, if any, shall receive no part
7 thereof during the period in which compensation is paid
8 to persons wholly dependent. If there is no one wholly
9 dependent and more than one person partially dependent,
10 the compensation shall be divided among them according
11 to the relative extent of their dependency. If a dependent
12 is an alien residing outside of the United States or of the
13 Dominion of Canada, the compensation paid to any such
14 dependent shall be one-half that hereinafter provided in
15 case of the death of an employee.'

Sect. 2. Section three of chapter two hundred and thirty-
2 eight of the public laws of nineteen hundred and nineteen
3 is hereby amended by striking out the word "five" in the
4 second, fifth, sixth and eighth lines and inserting in place
5 thereof in said lines, the word 'three' and by adding after
6 the word "hereof" at the end of said section the following
7 sentence: 'for the purpose of this act the operation of cut-
8 ting, hauling, rafting or driving of logs of whatever shape
9 or length, and regardless of the use to be made of them,
10 shall be considered a business separate and distinct from
11 the business of the manufacture thereof,' so that said sec-
12 tion as amended shall read as follows:

'Sect. 3. The provisions of section two shall not apply
2 to employers who employ three or less workmen or opera-
3 tives regularly in the same business, and in case of the em-
4 ployer being engaged in more than one kind of business,
5 in one of which he employs three or more workmen or
6 operatives regularly, and in another employs three or less

7 workmen or operatives, the fact that he elects to become
8 subject to the provisions of this act shall not bring him
9 within the provisions of it as to any such business in which
10 he employs three or less workmen or operatives, and at
11 the time of electing to become subject to the provisions of
12 this act, if engaged in more than one kind of business, he
13 shall specify the business or businesses in which he is en-
14 gaged and concerning which he desires to come under the
15 provisions hereof. For the purpose of this act, the opera-
16 tion of cutting, hauling, rafting or driving the logs, of what-
17 ever shape or length, and regardless of the use to be made
18 of them, shall be considered a business separate and dis-
19 tinct from the business of the manufacture thereof.'

Sect. 3. Paragraph one of section six of chapter two
2 hundred and thirty-eight of the public laws of nineteen
3 hundred and nineteen is hereby amended by inserting after
4 the word "employer" in the second line thereof, the follow-
5 ing words: 'as to any business or businesses in which he may
6 be engaged' and by adding to said paragraph after the word
7 "Maine" in the seventh line thereof, the following sentence:
8 'in order to bring persons engaged in the operation of cut-
9 ting, hauling, rafting or driving of logs within the writ-
10 ten assent of the employer there must be an express state-
11 ment to that effect,' and by adding after the word "interim"
12 in the last line of said paragraph, the following sentence:
13 'A binder of renewal of a policy already on file, issued by
14 the insurance company writing the original policy, and
15 placed on file with the commission previous to the expira-

16 tion of said policy, shall, for thirty days after the expira-
17 tion of said policy, have the same effect as regards the
18 requirements of this act as a complete renewal and filing
19 of said policy would have,' so that said paragraph as amend-
20 ed shall read as follows :

'Sec. 6. 1. Any employer desiring to become an assent-
2 ing employer as to any business or businesses in which he
3 may be engaged as herein provided, may file with the com-
4 mission at its office in Augusta, his written assent in such
5 form as the commission approves, and also file with said
6 commission a copy of an industrial accident insurance pol-
7 icy in any stock or mutual insurance company or associa-
8 tion authorized to do business in the State of Maine, said
9 policy being stamped with the approval of the insurance
10 commissioner of said State of Maine. In order to bring
11 persons engaged in the operation of cutting, hauling, raft-
12 ing or driving of logs within the written assent of the em-
13 ployer there must be an express statement to that effect.

The insurance commissioner may require the filing of spe-
2 cific rates for workmen's compensation insurance includ-
3 ing classifications of risks, experience or any other rating
4 information from insurance companies, authorized to trans-
5 act such insurance in Maine, and may make or cause to
6 be made such investigations as may be deemed necessary
7 to satisfy himself that such rates are correct and proper
8 before giving his approval and permitting such rates to be
9 promulgated for the use of said companies.

Any insurance company issuing policies covering the pay-
2 ment of compensation provided for in this act shall file
3 with the insurance commissioner a copy of the form there-
4 of, and no such policy shall be issued until said insurance
5 commissioner has approved the same. Every such insur-
6 ance company shall file with the insurance department its
7 classification of risks and premiums relating thereto, and
8 any subsequent proposed classifications or premiums, none
9 of which shall take effect until the insurance commissioner
10 has approved the same as adequate for the risks to which
11 they respectively apply. The insurance commissioner may
12 withdraw his approval of any classification of risks or pre-
13 mium rates relating thereto, and he may at any time ap-
14 prove a revised classification of risks and premium rates
15 relating thereto. Such written assent when once filed shall
16 continue in force without renewal during the life of said
17 original policy or during the life of any subsequent policy
18 or policies filed in renewal of said original policy previous
19 to the expiration of any immediately preceding policy, so
20 that there shall be no interim between policies. In case there
21 shall be such an interim, then a new acceptance must be
22 filed with the policy terminating the interim. A binder of
23 renewal of a policy already on file, issued by the insurance
24 company writing the original policy, and placed on file with
25 the commission previous to the expiration of said policy,
26 shall, for thirty days after the expiration of said policy,
27 have the same effect as regards the requirements of this

28 act as a complete renewal and filing of said policy would
29 have.'

Sect. 4. Section seven of chapter two hundred thirty-
2 eight of the public laws of nineteen hundred and nineteen
3 is hereby amended by striking out the word "illegally" in
4 the nineteenth line and inserting in place thereof the word
5 'legally,' so that said section as amended shall read as fol-
6 lows:

'Sect. 7. An employee of an employer who shall have
2 elected to become subject to the provisions of this act as
3 provided in section six of this act shall be held to have
4 waived his right of action at common law to recover dam-
5 ages for personal injuries; also under section nine of chap-
6 ter ninety-two or under sections fifty-one to fifty-eight, both
7 inclusive, of this chapter, if he shall not have given his
8 employer at the time of his contract of hire notice in writ-
9 ing that he claimed such right, and within ten days there-
10 after have filed a copy thereof with the commission, or, if
11 the contract of hire was made before the employer so elected,
12 if the employee shall not have given the said notice and
13 filed the same with said commission within ten days after
14 notice by the employer, as above provided, of such elec-
15 tion, and such waiver shall continue in force for the term
16 of one year, and thereafter without further act on his part,
17 for successive terms of one year, each, unless such em-
18 ployee shall at least sixty days prior to the expiration of
19 such first or any succeeding year, file with the said com-
20 mission a notice in writing to the effect that he desires to

21 claim his said right of action at common law and within
22 ten days thereafter shall give notice thereof to his employer.
23 A minor working at an age legally permitted under the laws
24 of this state shall be deemed sui juris for the purpose of
25 this act and no other person shall have any cause of action
26 or right to compensation for an injury to such minor em-
27 ployee except as expressly provided in this act; but if said
28 minor shall have a parent living or a guardian, such parent
29 or guardian, as the case may be, may give the notice and
30 file a copy of the same as herein provided by this section,
31 and such notice shall bind the minor in the same manner
32 that adult employees are bound under the provisions of this
33 act. In case no such notice is given, such minor shall be
34 held to have waived his right of action at common law, or
35 under the statutes above referred to, to recover damages
36 for personal injuries. Any employee, or the parent or guar-
37 dian of any minor employee, who has given notice to the
38 employer that he claimed his right of action at common
39 law, or under the statutes above referred to, may waive
40 such claim by a notice in writing which shall take effect five
41 days after the delivery to the employer or his agent.'

Sect. 5. Section nine of chapter two hundred and thirty-
2 eight of the public laws of nineteen hundred and nineteen
3 is hereby amended by striking out the word "ten" in the
4 third, fourth and fifth lines and inserting in place thereof
5 in said lines, the word 'seven'; and by striking out the word
6 "eleventh" in the fifth line and inserting in place thereof

7 the word 'eighth,' so that said section as amended shall read
8 as follows:

'Sect. 9. No compensation except medical, surgical and
2 hospital services, nursing and medicines, and mechanical
3 surgical aids as provided in section ten of this act shall be
4 paid thereunder during the first seven days after the acci-
5 dent. If incapacity exists at the expiration of seven days,
6 compensation shall begin on the eighth day. If incapacity
7 arises after seven days, compensation shall begin on the date
8 such incapacity begins.'

'Sect. 6. Section twelve of chapter two hundred thirty-
2 eight of the public laws of nineteen hundred and nineteen
3 is hereby amended by striking out the words "three-fifths"
4 in the fourth line thereof and inserting in place thereof
5 the words 'two-thirds' and by striking out the word "fifteen"
6 in the fifth line, and inserting in place thereof the word
7 'sixteen' and by striking out the words "three thousand five
8 hundred" in the seventh line, and inserting in place thereof,
9 the words 'four thousand'; and by inserting after the word
10 "death" in the ninth line the words 'or remarriage,' and by
11 inserting after the word "death" in the fourteenth line the
12 words 'or remarriage,' so that said section as amended shall
13 read as follows:

'Sect. 12. If death results from the injury, the employer
2 shall pay the dependents of the employee, wholly dependent
3 upon his earnings for support at the time of his injury, a
4 weekly payment equal to two-thirds his average weekly

5 wages, earnings or salary, but not more than sixteen dol-
6 lars nor less than six dollars a week for a period of three
7 hundred weeks from the date of the injury, and in no case
8 to exceed four thousand dollars; provided, however, that
9 if the dependent of the employee to whom the compensa-
10 tion shall be payable upon his death is the widow of such
11 employee upon her death or remarriage the compensation
12 thereafter payable under this act shall be paid to the child
13 or children of the deceased employee, including adopted and
14 step-children, under the age of eighteen years, or over said
15 age, but physically or mentally incapacitated from earn-
16 ing, who are dependent upon the widow at the time of her
17 death or remarriage. In case there is more than one child
18 thus dependent, the compensation shall be divided equally
19 among them. If the employee leaves dependents only par-
20 tially dependent upon his earnings for support at the time
21 of his injury, the employer shall pay such dependents for
22 a period of three hundred weeks from the date of injury,
23 a weekly compensation equal to the same proportion of the
24 weekly payments herein provided for the benefit of persons
25 wholly dependent as the amount contributed annually by
26 the employee to such partial dependents bears to the an-
27 nual earnings of the deceased at the time of the injury.
28 When weekly payments have been made to an injured em-
29 ployee before his death, the compensation to dependents
30 shall begin from the date of the last of such payments, but
31 shall not continue more than three hundred weeks from
32 the date of the injury. Provided, however, that if the de-

33 ceased leaves no dependents at the time of the injury, the
34 employer shall not be liable to pay compensation under this
35 act except as specifically provided in the following section.'

Sect. 7. Section fourteen of chapter two hundred thirty-
2 eight of the public laws of nineteen hundred and nineteen
3 is hereby amended by striking out the words "three-fifths"
4 in the third line and inserting in place thereof the words
5 'two-thirds' and by striking out the word "fifteen" in the
6 fourth line and inserting in place thereof the word 'sixteen';
7 and by striking out the words "forty-two hundred" in the
8 seventh line and inserting in place thereof the words 'six
9 thousand,' so that said section as amended shall read as
10 follows:

'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 two-thirds his aver-
4 age weekly wages, earnings or salary, but not more than
5 sixteen dollars, nor less than six dollars a week; and in no
6 case shall the period covered by such compensation be great-
7 er than five hundred weeks from the date of incapacity,
8 nor the amount more than six thousand dollars; and if the
9 employee shall die before having received compensation to
10 which he is entitled or which he is receiving as provided
11 in this act, the same shall be payable to the dependents of
12 the said employee for the specified period, and the said de-
13 pendents shall have the same rights and powers under this
14 act as the said employee would have had if he had lived. In
15 the following cases it shall, for the purposes of this act, be

16 conclusively presumed that the injury resulted in perma-
17 nent total disability, to wit: the total and irrevocable loss
18 of sight in both eyes, the loss of both feet at or above the
19 ankle, the loss of both hands at or above the wrist, the loss
20 of one hand and one foot, an injury to the spine resulting
21 in permanent and complete paralysis of the legs and arms,
22 and an injury to the skull resulting in incurable imbecility
23 or insanity.'

Sect. 8. Section fifteen of chapter two hundred and thirty-
2 eight of the public laws of nineteen hundred and nineteen
3 is hereby amended by striking out the words "three-fifths"
4 in the third line and inserting in place thereof the words
5 'two-thirds' and by striking out the word "fifteen" in the
6 sixth line and inserting in place thereof the word 'sixteen,'
7 so that said section as amended shall read as follows:

'Sect. 15. While the incapacity for work resulting from
2 the injury is partial, the employer shall pay the injured
3 employee a weekly compensation equal to two-thirds the
4 difference between his weekly wages, earnings or salary,
5 before the injury and the weekly wages, earnings or salary
6 which he is able to earn thereafter, but not more than six-
7 teen dollars a week; and in no case shall the period covered
8 by such compensation be greater than three hundred weeks
9 from the date of the injury. The rate of wages before the
10 injury shall be determined by dividing the whole amount
11 of wages or salary earned by the injured employee during
12 the immediately preceding year, whether for the same em-
13 ployer or not, by the full number of days employed during

14 the same period, provided the injured employee has worked
15 substantially the whole of the immediately preceding year
16 at similar work. If the employee has not so worked, the
17 weekly wages, earnings or salary of an employee working
18 substantially the whole of such immediately preceding year
19 at similar work shall be used in determining the amount of
20 partial compensation due the injured employee.'

Sect. 9. Section sixteen of chapter two hundred and thir-
2 ty-eight of the public laws of nineteen hundred and nine-
3 teen is hereby amended by striking out all of said section
4 and inserting in its place the following section, which shall
5 be numbered section sixteen and shall read as follows:

'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 total or partial incapacity for work resulting from the
5 injury specified, the employee shall receive compensation
6 while such total or partial incapacity continues under the
7 provisions of sections fourteen and fifteen respectively, but
8 in no case shall compensation continue more than three hun-
9 dred weeks after the injury. The compensation to be paid
10 for the injuries hereinafter specified shall be as follows, to
11 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 lit-
2 tle finger, two-thirds the average weekly wages during fif-
3 teen weeks.

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

For the loss of the great toe, two-thirds the average week-
2 ly 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 considered
2 to be equal to the loss of one-half of said toe and the com-
3 pensation shall be one-half of the amount above specified.

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

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

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

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

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

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

The amounts specified in this section are all subject to the
2 same limitations as to maximum and minimum amounts,
3 that is, of not more than sixteen and not less than six dol-
4 lars a week, as provided for total or partial disability.

In all cases in this class where the usefulness of a member
2 or any physical function thereof is permanently impaired,
3 the compensation shall bear such relation to the amount
4 stated in the above schedule as the incapacity shall bear to
5 the injuries named in this schedule and the commission shall
6 determine the extent of the incapacity.'

Sect. 10. Section twenty-six of chapter two hundred and
2 thirty-eight of the public laws of nineteen hundred and
3 nineteen is hereby amended by adding two paragraphs to
4 said section so that said section as amended shall read as
5 follows:

'Sect. 26. When any injury for which compensation is
2 payable under this act shall have been sustained under cir-

3 cunstances creating in some other person than the em-
4 ployer a legal liability to pay damages in respect thereto,
5 the injured employee may, at his option, either claim com-
6 pensation under this act or obtain damages from or pro-
7 ceed at law against such other person to recover damages;
8 and if compensation is claimed and awarded under this act,
9 any employer having paid the compensation or having be-
10 come liable therefor shall be subrogated to the rights of
11 the injured employee to recover against that person, pro-
12 vided, if the employer shall recover from such other per-
13 son damages in excess of the compensation already paid
14 or awarded to be paid under this act, then any such ex-
15 cess shall be paid to the injured employee less the employ-
16 er's expenses and costs of action.

Settlement of such claims and the distribution of the pro-
2 ceeds therefrom must have the approval of the court where-
3 in litigation is pending, or if not in suit, of the chairman
4 of the commission. The beneficiary shall be entitled to
5 reasonable notice and opportunity to be present in person
6 or by counsel at the approval proceedings.

The failure of the employer or compensation insurer in
2 interest to pursue his remedy against the third party within
3 ninety days after written demand by a compensation bene-
4 ficiary, shall entitle such beneficiary or his representatives
5 to enforce liability in his own name accounting for the pro-
6 ceeds to be made on the basis above provided.'

Sect. 11. Section twenty-nine of chapter two hundred
2 and thirty-eight of the public laws of nineteen hundred and

3 nineteen is hereby amended by adding to the fourth para-
4 graph of said section the following sentence: 'in case the
5 office of chairman becomes vacant through death, resigna-
6 tion, or removal,' the associate legal member shall act as
7 chairman until the governor makes an appointment to fill
8 such vacancy, so that said section as amended shall read as
9 follows:

'Sect. 29. The industrial accident commission of the State
2 of Maine shall consist of four members, two of whom, to
3 be designated as the chairman and associate legal member,
4 respectively, shall be men learned in the law and members
5 in good standing of the bar of this state; the third, the com-
6 missioner of labor and industry, and the fourth, the com-
7 missioner of insurance. The chairman and associate legal
8 member shall be appointed by the governor, the former for
9 the term of four years and the latter for the term of two
10 years upon the first appointment under this act, all suc-
11 cessive appointments to be for the term of three years. The
12 chairman and associate legal member shall hold office for
13 the terms aforesaid, unless removed as herein provided,
14 and until their successors are appointed and qualified. They
15 shall be sworn and for inefficiency, wilful neglect of duty or
16 for malfeasance in office may after notice and hearing be
17 removed by the governor and council. In case of a vacancy
18 occurring through the death, resignation or removal, the
19 governor shall appoint a successor for the whole term of
20 three years, subject to removal as aforesaid.

The chairman shall receive a salary of three thousand five
2 hundred dollars per annum, beginning January first, nine-
3 teen hundred and nineteen, and the associate legal member
4 shall receive a salary of three thousand dollars per annum.
5 The commissioner of labor and industry shall receive the
6 sum of one thousand dollars, in addition to his salary as
7 commissioner of labor and industry. The commissioner
8 of insurance shall receive the sum of five hundred dollars,
9 in addition to his salary as commissioner of insurance. The
10 members of the commission shall also receive their actual,
11 necessary, cash expenses while away from their office on
12 official business of the commission.

The commission shall have a clerk appointed and remov-
2 able by it. The salary of the clerk of the commission shall
3 be fixed by the governor and council upon recommendation
4 of the commission.

The associate legal member shall have the same authority,
2 powers and duties as the chairman but shall only exercise
3 said authority, powers and duties when requested in writ-
4 ing to do so by the chairman. In case the office of chair-
5 man becomes vacant through death, resignation or removal,
6 the associate legal member shall act as chairman until the
7 governor makes an appointment to fill such vacancy.

The sum of twenty-eight thousand two hundred dollars
2 shall be annually appropriated for the payment of salaries,
3 clerical and other assistance, physicians, witness fees, travel-
4 ing and other expenses.

The commission shall have a seal bearing the words “Industrial Accident Commission of Maine.” It shall have its office and keep its records in the state house in Augusta, but may hold sessions at any place within the state. The commission shall have general supervision over the administration of this act, and shall have powers:

I. To make rules and regulations not inconsistent with this act or other laws of the state for the purpose of carrying out the provisions hereof.

II. To issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers and photographs relating to any questions in dispute before it.

III. The chairman or the associate legal member at any hearing under the provisions of this act may issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any matters involved in the hearing. Witness fees in all proceedings under this act shall be the same as for witnesses before the supreme judicial court.

IV. The commission may, when the interests of any of the parties or when the administration of the provisions of this act demand, appoint a person in that part of the state where an accident has happened, to make a full investigation of the circumstances surrounding said accident, and report the same without delay to the office of the said commission.

V. Depositions taken for the causes and in the manner
2 hereinafter mentioned, may be used in all hearings before
3 the industrial accident commission.

The chairman of the industrial accident commission or
2 the associate legal member may issue commissions to take
3 depositions to any United States consul, United States vice
4 consul, any judge of any court of record in the United States
5 or any foreign country, or to any notary public or justice
6 of the peace in the State of Maine, for either of the follow-
7 ing causes:

1. When the deponent resides out of, or is absent from
2 the state.

2. When the deponent is bound to sea, or is about to go
2 out of the state.

3. When the deponent is so aged, infirm or sick as to be
2 unable to attend at the place of hearing.

Such deposition shall be taken by written interrogatories
2 to be filed with the chairman, and the adverse party shall
3 have ten days after written notice of such filing to him or
4 his attorney, in which to file cross-interrogatories thereto,
5 and if cross-interrogatories are not so filed within ten days
6 after such notice, the right of cross-examination shall be
7 considered waived.

The deponent shall be duly sworn and after his answers
2 have been written out, the deposition shall be signed and
3 sworn to by the deponent before the commissioner author-
4 ized to take it, and shall by him be sealed up and sent to

5 the chairman of the industrial accident commission at Au-
6 gusta.'

Sect. 12. Section thirty of chapter two hundred and thirty-
2 eight of the public laws of nineteen hundred and nineteen
3 is hereby amended by striking out the words "and the clerk
4 of the commission shall record it in a book kept for that
5 purpose" in the sixth and seventh lines of said section, so
6 that said section as amended shall read as follows :

'Sect. 30. If the employer and the employee reach an agree-
2 ment in regard to compensation under this act a memoran-
3 dum of such agreement signed by the parties shall be filed
4 in the office of the commission. If the commissioner finds
5 that such agreement is in conformity with the provisions
6 of this act, he shall approve the same. In case the commis-
7 sioner shall find that any such agreement is not in conform-
8 ity with the provisions of this act and shall refuse to ap-
9 prove the same, or if the employer and employee fail to
10 reach an agreement in regard to compensation under this
11 act, either employer or employee, and when death has re-
12 sulted from the injury and the dependents of the deceased
13 employee entitled to compensation are, or the apportionment
14 thereof among them is, in dispute, any person in interest,
15 may file in the office of the commission a petition setting
16 forth the names and residences of the parties, the facts re-
17 lating to the employment at the time of the injury, the cause,
18 extent and character of the injury and the knowledge of
19 the employer or notice of the occurrence of the injury, and
20 if an agreement had been reached between the parties which

21 had not been approved by the commissioner, the form of
22 such agreement and such other facts as may be necessary
23 and proper for the determination of the matter in dispute,
24 and shall state the matter in dispute and the claims of the
25 petitioner with references thereto.'

Sect. 13. Section thirty-three of chapter two hundred and
2 thirty-eight of the public laws of nineteen hundred and
3 nineteen is hereby amended by striking out all of said sec-
4 tion after the word "party" in the fourth line and inserting
5 in place thereof the following: 'all hearings shall be held
6 in the town where the accident occurred but the commis-
7 sion may with the consent of said claimant, hold said hear-
8 ing in some other place, in which case the commission may
9 reimburse the claimant for the actual traveling expenses
10 incurred in attending the hearing; any sum of money paid
11 for such expenses to be charged to the appropriation of
12 the industrial accident commission under the heading "ex-
13 penses of administration",' so that said section as amended
14 shall read as follows:

'Sect. 33. The whole matter shall then be referred to the
2 chairman or associate legal member of said commission,
3 who shall fix a time for hearing upon the request of either
4 party, upon a three days' notice given to the other party.
5 All hearings shall be held in the town where the accident
6 occurred but the commission may with the consent of said
7 claimant, hold said hearing in some other place, in which
8 case the commission may reimburse the claimant for the

9 actual traveling expenses incurred in attending the hearing;
10 any sum of money paid for such expenses to be charged to
11 the appropriation of the industrial accident commission un-
12 der the heading "expenses of administration".'