

# MAINE STATE LEGISLATURE

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EIGHTY-SECOND LEGISLATURE

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H. P. No. 1122

H. D. No. 372

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House of Representatives, March 11, 1925.

Referred to Committee on Appropriations and Financial Affairs and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. White of Bowdoinham.

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STATE OF MAINE

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

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AN ACT Amending Section One, Paragraph II of Chapter Two Hundred and Thirty-eight of the Public Laws of Nineteen Hundred Nineteen, Relating to Workmen's Compensation and Defining "Employee."

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

Paragraph II of section one of chapter two hundred and 2 thirty-eight of the public laws of nineteen hundred and 3 nineteen is hereby amended by striking out the period at 4 the end thereof and adding to said paragraph the following 5 words: 'in the first instance, but said contingent fund shall 6 be reimbursed to the amount of any such payment by charg-

7 ing the same to the appropriation for the maintenance of  
8 the department or institution in which the person receiving  
9 such payment is employed and crediting such amount again  
10 to the contingent fund,' so that said paragraph as amended  
11 shall read as follows:

'II. "Employee" shall include every person in the service  
2 of another under any contract of hire, express or implied,  
3 oral or written, except: (a) farm laborers; (b) domestic  
4 servants; (c) masters of and seaman on vessels engaged  
5 in interstate or foreign commerce; (d) person whose em-  
6 ployment is but casual, or is not in the usual course of the  
7 trade, business, profession or occupation of his employer;  
8 (e) officials of the state, counties, cities, towns or water  
9 districts and other quasi-municipal corporations of a similar  
10 character. Policemen and firemen shall be deemed em-  
11 ployees within the meaning of this act. If, however, any  
12 policeman or fireman claims compensation under this act,  
13 there shall be deducted from such compensation any sum  
14 which such policeman, fireman or other person may be en-  
15 titled to receive from any pension or other benefit fund to  
16 which the state or municipal body may contribute; (f) ex-  
17 cept that any town or city may, in lieu of the compensa-  
18 tion and insurance provided by this act, continue any mem-  
19 ber of the fire department or police force in said town, who  
20 may have been injured in the course of his duties, on the  
21 payroll at full pay, if such full pay exceeds the maximum  
22 compensation provided for employees under this act. Any

23 reference to an employee who has been injured shall, when  
24 the employee is dead, also include his legal representatives,  
25 dependents and other persons to whom compensation may  
26 be payable; (g) all persons employed by the state or under  
27 the direction and control of any department of the state  
28 shall be entitled to the benefits of chapter fifty of the revised  
29 statutes. The governor and council shall order such com-  
30 pensation as shall be assessed, paid from the state contingent  
31 fund in the first instance, but said contingent fund shall be  
32 reimbursed to the amount of any such payment by charging  
33 the same to the appropriation for the maintenance of the  
34 department or institution in which the person receiving  
35 such payment is employed and crediting such amount again  
36 to the contingent fund.'