

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-SECOND LEGISLATURE

S. P. No. 649

S. D. No. 313

In Senate, April 4, 1925.

Reported by Mr. Smith and Hinckley from Committee on Labor and Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

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

AN ACT to Amend Chapter Two Hundred and Thirty-eight of the Public Laws of Nineteen Hundred and Nineteen as Amended, Relating to Workmen's Compensation.

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

Section 1. Sub-section two of section one of chapter two hundred and thirty-eight of the public laws of nineteen hundred and nineteen is hereby amended by striking out the words "from the state contingent fund" in the last line of said section and inserting in place thereof the following: "in the first instance from a special fund, which is hereby established, to be known as the "State Employers' Compensation Fund," for which the legislature shall make ade-

9 quate appropriations, but said fund shall be reimbursed to
10 the amount of any such payment by charging the same to
11 the appropriation for the maintenance of the department
12 or institution in which the person receiving such payment
13 was employed at the time the injury was received and
14 crediting such amount again to said fund,' so that said
15 sub-section as amended will read as follows:

. 'Sub-section 2. "Employee" shall include every person in
2 the service of another under any contract of hire, express
3 or implied, oral or written, except: (a) farm laborers;
4 (b) domestic servants; (c) masters of and seamen on
5 vessels engaged in interstate or foreign commerce; (d) per-
6 son whose employment is but casual, or is not in the usual
7 course of the trade, business, profession or occupation of
8 his employer; (e) officials of the state, counties, cities,
9 towns or water districts and other quasi-municipal corpo-
10 rations of a similar character. Policemen and firemen shall
11 be deemed employees within the meaning of this act. If,
12 however, any policeman or fireman claims compensation
13 under this act, there shall be deducted from such compen-
14 sation any sum which such policeman, fireman or other
15 person may be entitled to receive from any pension or
16 other benefit fund to which the state or municipal body may
17 contribute; (f) except that any town or city may, in lieu
18 of the compensation and insurance provided by this act,
19 continue any member of the fire department or police force
20 in said town, who may have been injured in the course of

21 his duties, on the payroll at full pay, if such full pay ex-
22 ceeds the maximum compensation provided for employees
23 under this act. Any reference to an employee who has
24 been injured shall, when the employee is dead, also include
25 his legal representatives, dependents and other persons to
26 whom compensation may be payable; (g) all persons em-
27 ployed by the state or under the direction and control
28 of any department of the state shall be entitled to the
29 benefits of chapter fifty of the revised statutes. The gov-
30 ernor and council shall order such compensation as shall
31 be assessed, paid in the first instance from a special fund,
32 which is hereby established to be known as the "State
33 Employers' Compensation Fund," for which the legislature
34 shall make adequate appropriations, but said fund shall be
35 reimbursed to the amount of any such payment by charging
36 the same to the appropriation for the maintenance of the
37 department or institution in which the person receiving such
38 payment was employed at the time the injury was received
39 and crediting such amount again to said fund.'

Sect. 2. Section twelve of chapter two hundred and
2 thirty-eight of the public laws of nineteen hundred and
3 nineteen as amended by chapter two hundred and twenty-
4 two of the public laws of nineteen hundred and twenty-one
5 is hereby further amended by striking out in the fourth
6 line of said section the word "sixteen" and inserting in place
7 thereof, the word 'eighteen,' so that said section as amended
8 shall read as follows:

'Sect. 12. If death results from the injury, the employer, shall pay the dependents of the employee, wholly dependent upon his earnings for support at the time of his injury, a weekly payment equal to two-thirds his average weekly wages, earnings or salary, but not more than eighteen dollars nor less than six dollars a week, for a period of three hundred weeks from the date of the injury, and in no case to exceed four thousand dollars; provided, however, that if the dependent of the employee to whom the compensation shall be payable upon his death is the widow of such employee upon her death or remarriage the compensation thereafter payable under this act shall be paid to the child or children of the deceased employee, including adopted and step-children, under the age of eighteen years or over said age, but physically or mentally incapacitated from earning, who are dependent upon the widow at the time of her death or remarriage. In case there is more than one child thus dependent, the compensation shall be divided equally among them. If the employee leaves dependents only partly dependent upon his earnings for support at the time of his injury, the employer shall pay such dependents for a period of three hundred weeks from the date of injury, a weekly compensation equal to the same proportion of the weekly payments herein provided for the benefit of persons wholly dependent as the amount contributed annually by the employee to such partial dependents bears to the annual earnings of the deceased at the time of the injury. When week-

28 ly payments have been made to an injured employee before
29 his death, the compensation to dependents shall begin from
30 the date of the last of such payments, but shall not continue
31 more than three hundred weeks from the date of the injury.
32 Provided, however, that if the deceased leaves no dependents
33 at the time of the injury the employer shall not be liable to
34 pay compensation under this act except as specifically pro-
35 vided in the following section.'