

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

Senate Document

No. 187

S. P. 411

In Senate, Mar. 8, 1927.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Maher of Kennebec.

STATE OF MAINE

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

AN ACT to Amend the Workmen's Compensation Act.

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

Section 1. Sub-section two of section one of chapter two
2 hundred and thirty-eight of the public laws of nineteen
3 hundred and nineteen, known as the Workmen's Compen-
4 sation Act, is hereby amended by striking out in the third
5 line thereof the words "(a) farm laborers; (b) domestic
6 servants"; so that said sub-section, as amended, with the
7 remaining clauses relettered, 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) masters of and seaman on
4 vessels engaged in interstate or foreign commerce; (b) per-

5 son whose employment is but casual, or is not in the usual
6 course of the trade, business, profession or occupation of
7 his employer; (c) officials of the state, counties, cities, towns
8 or water districts and other quasi-municipal corporations of
9 a similar character. Policemen and firemen shall be deemed
10 employees within the meaning of this act. If, however, any
11 policeman or fireman claims compensation under this act,
12 there shall be deducted from such compensation any sum
13 which such policeman, fireman or other person may be en-
14 titled to receive from any pension or other benefit fund to
15 which the state or municipal body may contribute; except
16 that any town or city may, in lieu of the compensation and
17 insurance provided by this act, continue any member of the
18 fire department or police force in said town, who may have
19 been injured in the course of his duties, on the payroll at
20 full pay, if such full pay exceeds the maximum compensa-
21 tion provided for employees under this act. Any reference
22 to any employee who has been injured shall, when the em-
23 ployee is dead, also include his legal representatives, de-
24 pendants and other persons to whom compensation may be
25 payable. All persons employed by the state or under the
26 direction and control of any department of the state shall
27 be entitled to the benefits of chapter fifty of the revised
28 statutes. The governor and council shall order such com-
29 pensation as shall be assessed, paid from the state contin-
30 gent fund.'

Sect. 2. Section nine of said Workmen's Compensation

2 Act, as amended by chapter two hundred and twenty-two
3 of the public laws of nineteen hundred and twenty-one, is
4 hereby further amended by adding at the end of the section
5 the sentence, 'In computing the seven-day waiting period,
6 so-called, the day of the accident shall be counted as one';
7 so that said section, as amended, shall read 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
8 date such incapacity begins. In computing the seven-day
9 waiting period, so-called, the day of the accident shall be
10 counted as one.'

Sect. 3. Section thirteen of said Workmen's Compensation
2 Act is hereby amended by striking out the words "last sick-
3 ness and" in the fourth and ninth lines thereof; so that said
4 section, as amended, shall read as follows:

'Sect. 13. If the employee dies as a result of the injury,
2 leaving no dependents at the time of the injury, the employer
3 shall pay, in addition to any compensation provided for in
4 this act, the reasonable expense of his burial, which shall
5 not exceed two hundred dollars. Provided, however, if
6 dependents appear before the commission within one year
7 after the death of the said employee, and prove that they

8 are entitled to compensation as provided for by this act, and
9 such compensation is decreed to be paid to the said depen-
10 dents, the reasonable expenses of burial as aforesaid shall
11 be deducted from the amount allowed to the said depen-
12 dents.'

Sect. 4. Section two of chapter two hundred and one of
2 the public laws of nineteen hundred and twenty-five, amend-
3 ing the Workmen's Compensation Act, is hereby corrected
4 by striking out the word "seventeen" in the second line and
5 inserting in place thereof the word 'sixteen'; so that said
6 section, as corrected, shall read as follows:

'Sect. 2. Sections fourteen, fifteen and sixteen of chapter
2 two hundred and thirty-eight of the public laws of nineteen
3 hundred and nineteen, as amended, are further amended by
4 striking out the word "sixteen" whenever it appears in said
5 sections and inserting in place thereof the word 'eighteen.'