

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 87

H. P. 122 House of Representatives, Jan. 22, 1931.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Martin of Bangor.

STATE OF MAINE

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

AN ACT Relating to the Payment of Compensation to Dependents of Firemen Who Are Killed in the Performance of Duty.

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

Chapter five of the revised statutes is hereby amended by adding the following sections, to be numbered as follows:

'Sect. 208. Annuity paid to firemen's dependents on death in line of duty. If a member of the fire force of a city or town is killed, or dies within one year from injuries received, while in the performance of his duty as such member and it shall be proved to the satisfaction of the mayor and city council, or selectmen as the case may be, that such death was the natural and proximate result of an accident occurring during the performance and within the scope of his duty as such member, and the attending physician or medical examiner shall certify to the city or town, as the case may be, that the death was the direct result of the said injury, there shall be paid, except as hereinafter provided, out of the city or town treasury, as the case may be, to the following dependents of such deceased persons the following annuities: to the widow, so long as she remains unmarried, an annuity not exceeding one thousand dollars, increased by not exceeding two hundred dollars for each child of such deceased person during such time as such

child is under the age of eighteen or over such age and physically or mentally incapacitated from earning; and, if there is any such child and no widow or the widow later dies, such an annuity as would have been payable to the widow had there been one or had she lived, to or for the benefit of such child or of such children in equal shares, during the time aforesaid; and, if there is any such child and the widow remarries, in lieu of the aforesaid annuity to her, an annuity not exceeding two hundred and sixty dollars to or for the benefit of each such child during the time aforesaid; and, if there is no widow and no such child, an annuity not exceeding one thousand dollars to or for the benefit of the father or mother of the deceased if dependent upon him for support at the time of his death, during such time as such beneficiary is unable to support himself or herself and does not remarry. The amount of any such annuity shall from time to time be determined within the limits aforesaid by the mayor and city council, or the selectmen, as the case may be.

In case the deceased was a member of a contributory retirement system for public employees, the benefits provided under this section shall be in the alternative for the benefits, if any, provided by such retirement system for dependent widows and children or for the dependent fathers or mothers; and the widow, or if there is no widow, the legal representative of the children entitled thereto, if any, otherwise the father or mother in the order named, shall elect which benefits shall be granted. Such election shall be made in writing and shall be filed with the retirement board in charge of the system of which the deceased was a member and shall not be subject to change or revocation after the first payment of any benefit thereunder.

Sect. 209. Pension payable when provisions of Sect. 208 do not apply. The selectmen of any town which accepts this section by vote at an annual town meeting may pay to the widow of any person doing fire duty at the request or by the order of the authorities of the town, if it has no organized fire department, or of a person performing the duties of a fireman in such town, who dies from injuries received through no fault of his own in the actual performance of his duty, a pension not exceeding three hundred dollars a year while such widow remains unmarried, or, if there is no widow, a pension not ex-

ceeding said sum for the benefit of any of the children under sixteen of such deceased person while any such child is under the age of sixteen, and the selectmen of such town may determine the amount of such pension within said limits. No payments shall be made under this section on account of any death in respect to which compensation is payable under section two hundred eight.

Sect. 210. No non-contributory pension applies if Sect. 208 is applicable. The provisions of any non-contributory pension law of general application in a city or town, so far as it provides for the payment of compensation to dependents of firemen of a city or town killed or dying from injuries received while in the performance of duty shall not apply in case of the death of a fireman in respect to which compensation is payable under section two hundred eight.

Sect. 211. Sections 208 to 211, inclusive, effective only when accepted by referendum. Sections two hundred eight to two hundred eleven, inclusive, shall be effective only in such cities and towns as shall accept it by referendum vote of the qualified electors thereof at a municipal election in cities and at an annual town meeting in towns held at any time after the approval of sections two hundred eight to two hundred eleven, inclusive, by the governor. The following question shall be submitted to the qualified electors thereof, to be printed upon a separate ballot:

“Shall sections two hundred eight to two hundred eleven, inclusive, of chapter five of the revised statutes relative to the payment of compensation to dependents of firemen who are killed in the performance of duty be accepted?”

Opposite and to the right of said question shall be printed the words “Yes” and “No” with the usual squares in which the voter is to place his cross. If said question shall receive a majority of affirmative votes the aforesaid sections shall be deemed to be accepted and shall thereupon be in full force and effect in such cities and towns.’