

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 855

S. P. 556

In Senate March 17, 1931.

Reported by Senator Aldrich of Sagadahoc from Committee on Judiciary and laid on Table to be printed under Joint Rules.

ROYDEN V. BROWN, Secretary.

New Draft of S. P. 416, L. D. 512.

STATE OF MAINE

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

AN ACT to Amend the Workmen's Compensation Act.

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

Section 1. Section two of chapter fifty-five of the revised statutes is hereby amended by striking out in sub-paragraph (b) of paragraph IX the last sentence thereof; so that said sub-paragraph, as amended, shall read as follows:

'(b) In case such employment or occupation had not so continued for said two hundred and fifty full working days, the "average weekly wages, earnings or salary" shall be determined by dividing the entire amount of wages or salary earned therein by the injured employee during said immediately preceding year, by the total number of weeks, any part of which the employee worked, during the same period.'

Sec. 2. Section fourteen of said chapter fifty-five of the revised statutes is hereby amended by striking out the first sentence thereof, and substituting in place thereof the following: '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 accident, 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, from the date of death for a period

ending three hundred weeks from the date of the accident, and in no case to exceed four thousand dollars.' Also by adding after the word "them" in the sixteenth line thereof the following: 'Provided further, that except in the case of dependents who are physically or mentally incapacitated from earning, compensation payable to any dependent child under the age of eighteen years shall cease upon such child's reaching the age of eighteen years or upon marriage.' So that said section, as amended, shall read as follows:

'Sec. 14. 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 accident, 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, from the date of death for a period ending three hundred weeks from the date of the accident, and in no case to exceed four thousand dollars. Provided, however, that if the dependent of the employee to whom compensation shall be payable upon his death is the widow of such employee, upon her death or remarriage compensation to her shall cease; and the compensation to which she would have been entitled thereafter but for such death or remarriage 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. Provided further, that except in the case of dependents who are physically or mentally incapacitated from earning, compensation payable to any dependent child under the age of eighteen years shall cease upon such child's reaching the age of eighteen years or upon marriage.

If the employee leaves dependents only partly dependent upon his earnings for support at the time of his accident, the employer shall pay such dependents for the said period of three hundred weeks, a weekly compensation equal to the same proportion of the weekly payments herein provided for the benefit of persons wholly dependent as the total amount contributed by the employee to such partial dependents for

their support during the year prior to his accident bears to the earnings of the employee during said period.'

Sec. 3. Section thirty-two of said chapter fifty-five of the revised statutes is hereby amended by striking out in the last two sentences thereof, and substituting in place thereof the following: 'In case of the death of the employee within said year, there shall be allowed for filing said petition one year after such death. No petition of any kind may be filed more than ten years following an accident.' So that said section, as amended, shall read as follows:

'Sec. 32. An employee's claim for compensation under this act shall be barred unless made to an employer within six months after the date of incapacity, and unless an agreement or a petition as provided in the preceding section shall be filed within one year after the date of the accident; provided, however, that any time during which the employee is unable by reason of physical or mental incapacity to make said claim or file said petition shall not be included in the periods aforesaid. In case of the death of the employee within said six months, there shall be allowed for making said claim six months after such death. In case of the death of the employee within said year, there shall be allowed for filing said petition one year after such death. No petition of any kind may be filed more than ten years following an accident.'