

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 512

S. P. 305.

In Senate, February 6, 1941.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Sanborn of Cumberland by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT To Amend the Workmen's Compensation Act.

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

R. S., c. 55, §24, amended. The 1st paragraph of section 24 of chapter 55 of the revised statutes, as amended by section 8 of chapter 276 of the public laws of 1939, is hereby further amended to read as follows :

'When any injury for which compensation or medical benefits is payable under this act shall have been sustained under circumstances creating in some person other than the employer a legal liability to pay damages in respect thereto, the injured employee may, at his option, either claim such compensation and benefits or obtain damages from or proceed at law against such other person to recover damages. Any employer having paid such compensation or benefits or having become liable therefor under any decree or approved agreement shall be subrogated to the rights of the injured employee to recover against that person ; provided, if the employer shall recover from such other person damages in excess of the compensation and benefits so paid or for which he has thus become liable, then any such excess shall be paid to the injured employee less the employer's expenses and costs of action or collection. Settlement of such subrogation claims and the distribution of the proceeds therefrom must have the approval of the court wherein ~~litigation~~ **the subrogation suit** is pending,

or to which it is returnable; or, if not in suit, of a single commissioner. **When the court in which such subrogation suit is pending or to which it is returnable is in vacation, the judge of the court, or, if the suit is pending in or returnable to the superior court, any justice of the superior court, shall have the power to approve the settlement of such suit and the distribution of the proceeds therefrom.** The beneficiary shall be entitled to reasonable notice and **the** opportunity to be present in person or by counsel at the approval proceedings.'