

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

TRANSMITTED BY REVISOR OF STATUTES PURSUANT TO
JOINT ORDER

N I N E T Y - F I R S T L E G I S L A T U R E

Legislative Document

No. 682

S. P. 390

In Senate, February 19, 1943.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Peters of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

AN ACT Relating to Compensation for Personal Injury to Employees.

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

Sec. 1. R. S., c. 55, § 10, amended. Section 10 of chapter 55 of the revised statutes is hereby amended to read as follows:

‘Sec. 10. Compensation begins on 8th day of incapacity. Compensation for incapacity to work on account of an injury aforesaid shall begin on the 8th day of incapacity, the day of the accident to be counted as the 1st day thereof; **provided, however, that if the incapacity lasts for 6 weeks or more, compensation shall be granted for the total period.’**

Sec. 2. R. S., c. 55, § 11, amended. Section 11 of chapter 55 of the revised statutes is hereby amended to read as follows:

‘Sec. 11. Compensation for total incapacity. While the incapacity for work resulting from the injury is total, the employer shall pay the injured employee a weekly compensation equal to $\frac{2}{3}$ his average weekly wages, earnings or salary, but not more than ~~eighteen dollars~~ **\$24** nor less than ~~six dollars~~ **\$10** a week; and in no case shall the period covered by such compensation be greater than ~~five hundred~~ **600** weeks from the 8th day

following the accident, nor the amount more than ~~six thousand dollars~~ \$7,500. In the following cases it shall, for the purposes of this act, be conclusively presumed that the injury resulted in permanent total incapacity: the total and irrevocable loss of sight in both eyes, the loss of both hands at or above the wrist, the loss of both feet at or above the ankle, the loss of 1 hand and 1 foot, an injury to the spine resulting in permanent and complete paralysis of the arms or legs, and an injury to the skull resulting in incurable imbecility or insanity.'

Sec. 3. R. S., c. 55, § 12, amended. Section 12 of chapter 55 of the revised statutes is hereby amended to read as follows:

'Sec. 12. Compensation for partial incapacity. While the incapacity for work resulting from the injury is partial, the employer shall pay the injured employee a weekly compensation equal to $\frac{2}{3}$ the difference, due to said injury, between his average weekly wages, earnings or salary before the accident and the weekly wages, earnings or salary which he is able to earn thereafter, but not more than ~~eighteen dollars~~ \$24 a week; and in no case shall the period covered by such compensation be greater than ~~300~~ 350 weeks from the 8th day following the accident.'

Sec. 4. R. S., c. 55, § 13, amended. Section 13 of chapter 55 of the revised statutes is hereby amended to read as follows:

'Sec. 13. Compensation for specified injuries; permanent impairment. In cases of injuries included in the following schedule the incapacity in each such case shall be deemed to be total for the period specified; and after such specified period, if there be a total or partial incapacity for work resulting from the injury, the employee shall receive compensation while such total or partial incapacity continues under the provisions of sections 11 and 12 respectively. The specific periods during which compensation for presumed total incapacity is to be paid because of the injuries hereinafter specified shall be as follows:

For the loss of a thumb, ~~fifty~~ 60 weeks.

For the loss of the 1st finger, commonly called the index finger ~~30~~ 40 weeks.

For the loss of the 2nd finger, commonly called the middle finger, ~~twenty five~~ 35 weeks.

For the loss of the 3rd finger, commonly called the ring finger, ~~eighteen~~ 25 weeks.

For the loss of the 4th finger, commonly called the little finger, ~~fifteen~~ 20 weeks.

The loss of the first phalanx of the thumb or of any finger shall be considered to be equal to the loss of $\frac{1}{2}$ of said thumb or finger, and the compensation therefor shall be ~~one-half~~ 60% the amount above specified. The loss of more than 1 phalanx shall be considered as the loss of the entire thumb or finger. Provided, however, that in no case shall the amount received for the loss of a thumb and more than 1 finger of the same hand exceed the amount specified in this schedule for the loss of a hand.

For the loss of the great toe, ~~twenty-five~~ 35 weeks.

For the loss of 1 of the toes other than the great toe, ~~ten~~ 15 weeks.

The loss of the first phalanx of any toe shall be considered to be equal to the loss of $\frac{1}{2}$ of said toe, and the compensation therefor shall be ~~one-half~~ 60% the amount above specified. The loss of more than 1 phalanx shall be considered as the loss of the entire toe.

For the loss of a hand, ~~one hundred and twenty-five~~ 150 weeks.

For the loss of an arm, or any part thereof above the wrist, ~~one hundred and fifty~~ 200 weeks.

For the loss of a foot, ~~one hundred and twenty-five~~ 150 weeks.

For the loss of a leg, or any part thereof above the ankle, ~~one hundred and fifty~~ 200 weeks.

For the loss of an eye, or the reduction of the sight of an eye, with glasses, to $\frac{1}{10}$ of the normal vision, ~~one hundred~~ 125 weeks.

In all other cases of injury to the above mentioned members or eyes where the usefulness of any physical function thereof is permanently impaired, the specific compensable periods for presumed total incapacity on account thereof shall bear such relation to the periods above specified as the percentage of permanent impairment due to the injury to such members or eyes shall bear to the total loss thereof; and the commission upon petition thereof by either party shall determine such percentage.'

Sec. 5. R. S., c. 55, § 14, amended. Section 14 of chapter 55 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 14. Compensation for death of employee; how apportioned. 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 $\frac{2}{3}$ his average weekly wages, earnings or salary, but not more than ~~eighteen dollars~~ \$24 nor less than

~~six dollars~~ \$10 a week, from the date of death for a period ending ~~three hundred~~ 350 weeks from the date of the accident, and in no case to exceed ~~four thousand dollars~~ \$5,000. 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, if any, of deceased employee, including adopted and step-children, under the age of 18 years, or over said age but physically or mentally incapacitated from earnings, who are dependent upon the widow at the time of her death or remarriage.

If the dependent is the widower, upon his death the remainder of the compensation which would otherwise have been payable to him shall be payable to the children above specified, if any, who at the time thereof are dependent upon him. In case there is more than 1 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 18 years shall cease upon such child's reaching the age of 18 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~~ 350 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.'