

# MAINE STATE LEGISLATURE

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Legislative Document

No. 869

S. P. 480

In Senate, March 29, 1943.

Reported by Senator Farris of Kennebec from Committee on Judiciary and laid on table to be printed under Joint Rules.

ROYDEN V. BROWN, Secretary.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-THREE

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**AN ACT Relating to Compensation for Personal Injury to Employees.**

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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 when incapacity continues thereafter for a period of 6 consecutive weeks or more, compensation shall be allowed from the day the injury occurred.'**

**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~~ \$21 nor less than ~~six dollars~~ \$7 a week; and in no case shall the period covered by such compensation be greater than 500 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~~ \$21 a week; and in no case shall the period covered by such compensation be greater than 300 weeks from the 8th day following the accident.'

**Sec. 4. 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~~ \$21 nor less than ~~six dollars~~ \$7 a week, from the date of death for a period ending 300 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 stepchildren, under the age of 18 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.

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 300 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.'