

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fifth Legislature

OF THE

STATE OF MAINE

1931

Published by the Secretary of State, in conjunction with the Revisor of Statutes
in accordance with the Resolves of the Legislature, approved June 28, 1820,
March 18, 1840, March 16, 1842, and an Act of August 6, 1930.

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE
1931

PUBLIC LAWS
OF THE
STATE OF MAINE

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[supplied from page 1 of volume]

Sec. 6. Repealing clause. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed or amended to conform with the provisions of this act.

Approved April 2, 1931.

Chapter 160.

AN ACT to Amend the Workmen's Compensation Act.

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

Sec. 1. R. S., c. 55, sec. 2; relating to "average weekly wages," amended. 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. R. S., c. 55, sec. 14; relating to payments for death injuries, amended. Section fourteen of 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. 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 two-thirds his average weekly

CHAP. 160

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 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. R. S., c. 55, sec. 32; relative to filing of petition, amended. Section thirty-two of chapter fifty-five of the revised statutes is hereby amended by striking out 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. Time limitations for making claim and filing petitions. 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.'

Approved April 2, 1931.

Chapter 161.

AN ACT Relating to the Fees of State Humane Agents.

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

R. S., c. 135, sec. 69; relating to fees of state humane agents, amended. Section sixty-nine of chapter one hundred thirty-five of the revised statutes is hereby amended by inserting after the word "arrest" in the eleventh line thereof, the words 'but no county shall be liable to pay the fees of such agents for their travel outside of its lines', so that said section, as amended, shall read as follows:

'**Sec. 69. No county liable for travel fees of such agents.** Sheriffs, deputy sheriffs, police officers, constables, and agents appointed under the provisions of the following section, shall investigate all cases of cruelty to animals coming to their knowledge, and shall cause offenders to be prosecuted in all cases in which the offense may appear to be of a sufficiently aggravated nature to require prosecution; all fines imposed for the punishment of such offenses, shall be paid over to the county treasurer of the county in which the offense may have been committed. For services and expenses in conducting such investigations such agents shall be paid a reasonable sum by the county in which such services are rendered and expenses incurred, and for their travel the same fees as are now allowed officers, by law for the service of a warrant for arrest, but no county shall be liable to pay the fees of such agents for their travel outside of its lines; provided, however, that all claims of such agents for such travel and services shall first be audited and approved by the county commissioners of the county liable to pay the same.'

Approved April 2, 1931.