

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
AS PASSED BY THE  
Eighty-ninth and Ninetieth  
Legislatures

OF THE  
STATE OF MAINE

From April 21, 1939 to April 26, 1941  
AND MISCELLANEOUS STATE PAPERS

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Published by the Revisor of Statutes in accordance  
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1941

PROPERTY OF THE  
STATE OF MAINE  
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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninetieth Legislature

**1941**

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ganized and conducted exclusively for benevolent and charitable purposes. And any college in this state authorized under its charter to confer the degree of bachelor of arts or of bachelor of science, and having real estate liable to taxation, shall, on the payment of such tax and proof of the same to the satisfaction of the governor and council be reimbursed from the state treasury to the amount of the tax so paid; provided, however, that the aggregate amount so reimbursed to any college in any one year shall not exceed \$1500; and provided, further, that this claim for such reimbursement shall not apply to real estate bought by any such college after the 12th day of April, 1889, and provided, however, that the provisions of this paragraph shall not apply to a summer camp, or other seasonal resort, which derives a profit on its actual operating and administrative expenses incurred thereat or within the state of Maine, nor to that part of its property from which it receives compensation in the form of rent. Such camp or resort shall keep full financial records which shall at all times be open and available to inspection by the tax assessors of the town or city where it is located.'

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved March 8, 1941

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## Chapter 31

### 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 ex-

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penses 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.'

Approved March 6, 1941

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## Chapter 32

### AN ACT Relating to Amendment of Pleadings in Cases Referred Under Rule of Court.

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

**Sec. 1. Amendment of pleadings may be allowed.** At any time before completion by the referee or referees of the hearing of testimony in any action referred under rule of court, any amendment of the pleadings which would be allowable by the court in the absence of such reference may, on written motion, notwithstanding such reference, be allowed in term time or vacation by any justice of the superior court on such terms as he may impose or, with the consent of all parties, by the referee or referees.

**Sec. 2. Filing of notice.** Such motion, and any amendment allowed thereon, shall be filed with the clerk of the court in which the action is pending.

Approved March 8, 1941

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## Chapter 33

### AN ACT Relating to the Resignation of Attorneys at Law.

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

**P. L., 1939, c. 54, amended.** Chapter 54 of the public laws of 1939 is hereby amended to read as follows:

**'Provision for resignation of attorneys.** Any member of the bar of the state of Maine may resign from the office of attorney and counsellor at law by submitting his resignation to any justice of the supreme judicial court