

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

Ninety-eighth Legislature

OF THE

# STATE OF MAINE

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the Ninety-eighth Legislature

1957

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sioners and remain in the custody of their clerk for inspection, and notice thereof given to the interested parties. If the damages are increased or the location changed, such town shall pay the damages and costs; otherwise the costs shall be paid by the applicant. Any interested party aggrieved by their determination of location or damages may appeal from their determination to the Superior Court of the county at the next regular term of said court following the date of filing of their return with their said clerk. If no such appeal is made, the proceedings shall be closed, and become effectual; all claims for damages not allowed by them be forever barred; and all damages allowed by them be final. If an appeal be taken at the time and in the manner provided herein, the court shall determine the location, changing said location if it deems it proper, and the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the location and the damages recovered, and judgment for costs in favor of the party entitled thereto. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and at the first term of court shall file a complaint setting forth substantially the facts, upon which the case shall be tried like other cases. The party prevailing recovers costs to be allowed and taxed by the court, except that they shall not be recovered by the party claiming damages or change of location, but by the other party if on such appeal by either party, said claimant fails to recover a greater sum as damages than was allowed to him by the county commissioners or fails to have the location changed. The committee of reference shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. From the action of the court or on exceptions, or from any judgment after a jury trial, an appeal may be taken by any party to the Supreme Judicial Court.

Upon final determination of the location of said lot the clerk of the town, clerk of the county commissioners or clerk of Superior Court, whichever one has custody of the records of the final hearing tribunal, shall cause a description of the lot and a plan thereof to be recorded in the registry of deeds for the county or registry district where the same is located.'

Effective August 28, 1957

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## Chapter 343

### AN ACT Relating to Employer Defenses in Logging Operations Under Workmen's Compensation Law.

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

R. S., c. 31, § 4, amended. Section 4 of chapter 31 of the Revised Statutes is hereby amended to read as follows:

'Sec. 4. Section 3 not applicable to certain actions; 5 or less employees, farming; domestic service. The provisions of section 3 shall not apply to employers who employ 5 or less workmen or operatives regularly in the same business. Said provisions shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries, sustained by employees engaged in domestic service or in agriculture; ~~or in the operations of cutting, hauling, rafting or driving logs, including work incidental thereto.~~ Any such logging operations, however, incidental to any business conducted by an as-

senting employer shall be presumed to be covered by his assent to the act as to such business unless expressly excluded in such assent.'

Effective August 28, 1957

## Chapter 344

### AN ACT Relating to Benefit Eligibility and Definition of Unemployment Under Employment Security Law.

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

Sec. 1. R. S., c. 29, § 3, sub-§ XVII, §§ A, B, amended. Paragraphs A and B of subsection XVII of section 3 of chapter 29 of the Revised Statutes are hereby amended to read as follows:

'A. An individual shall be deemed "totally unemployed" in any week with respect to which no wages are payable to him and during which he performs no services; ~~except that remuneration payable or received as holiday pay shall not be deemed wages for the purpose of this subsection.~~

B. An individual shall be deemed "partially unemployed" in any week of less than full-time work if his wages payable from any source for such week are less than the weekly benefit amount he would be entitled to receive if totally unemployed and eligible; ~~except that remuneration payable or received as holiday pay shall not be deemed wages for the purpose of this subsection.~~

Sec. 2. R. S., c. 29, § 13, sub-§ III, amended. Subsection III of section 13 of chapter 29 of the Revised Statutes, as repealed and replaced by chapter 377 of the public laws of 1955, is hereby amended to read as follows:

'III. Weekly benefit for partial unemployment. On and after April 1, ~~1955~~ 1957, each eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit in an amount equal to his weekly benefit amount less that part of his earnings paid or payable to him with respect to such week which is in excess of \$5 plus any fraction of a dollar; ~~except that remuneration paid or payable as holiday pay shall not be deemed wages for the purpose of this subsection.~~

Effective August 28, 1957

## Chapter 345

### AN ACT Amending Employment Security Law as to Disqualification for Benefits.

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

R. S., c. 29, § 15, sub-§ I, amended. Subsection I of section 15 of chapter 29 of the Revised Statutes, as repealed and replaced by section 1 of chapter 376 of the public laws of 1955, is hereby amended to read as follows: