

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE

NO. 304

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*House of Representatives, Feb. 14, 1917.*

*Referred to Committee on Mercantile Affairs and Insurance  
and one thousand copies ordered printed. Sent up for con-  
currence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Wilson of Portland.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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AN ACT to Amend Section Eight of Chapter Fifty-three of  
the Revised Statutes of Maine, relative to Proceedings in  
case Parties Fail to Agree as to Amount of Loss.

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

Section eight of chapter fifty-three of the Revised Stat-  
utes of Maine is hereby amended by striking out the words  
“this state” in the sixth line of said section and inserting  
in lieu thereof the words ‘the county where the loss or  
damage occurred.’ Also by inserting after the word “men”

6 in the eighth line, the words 'residing in such county where  
7 the loss or damage occurred.' Also by striking out all of  
8 said section after the word "application' in the seventeenth  
9 line thereof, and inserting in lieu thereof the words 'for the  
10 appointment of a third referee to any justice of the supreme  
11 judicial court residing in the county where the loss occurred,  
12 or to the judge of the superior court of such county, and  
13 if there is no justice of the supreme judicial court or judge  
14 of the superior court in such county, then to any justice of  
15 the supreme judicial court in this state and said justice or  
16 judge shall thereupon appoint a third referee residing in  
17 such county and shall cause to be sent written notification  
18 thereof to the parties,' so that said section when amended  
19 shall read as follows:

'Sect. 8. In case of loss under any fire insurance policy,  
2 issued on property in this state, in the standard form set  
3 forth in Section 5, and the failure of the parties to agree  
4 as to the amount of loss, if the insurance company shall not,  
5 within ten days after a written request to appoint referees  
6 under the provision for arbitration in such policy, name  
7 three men under such provision, each of whom shall be a  
8 resident of the county where the loss or damage occurred,  
9 and willing to act as one of such referees; or if such insur-  
10 ance company shall not, within ten days after receiving the  
11 names of three men residing in such county where the loss  
12 or damage occurred named by the insured under such pro-  
13 vision, make known to the insured its choice of one of them

14 to act as one of such referees, it shall be deemed to have  
15 waived the right to an arbitration under such policy, and  
16 be liable to suit thereunder, as though the same contained  
17 no provision for arbitration as to the amount of loss or  
18 damage. And in case of the failure of two referees, chosen,  
19 respectively by the insurance company and the insured, to  
20 agree upon and select within ten days from their appoint-  
21 ment, a third referee willing to act in said capacity, either  
22 of the parties may within twenty days from the expiration  
23 of said ten days, make written application for the appoint-  
24 ment of a third referee to any justice of the supreme judi-  
25 cial court residing in the county where the loss occurred,  
26 or to the judge of the superior court of such county, and  
27 if there is no justice of the supreme judicial court or judge  
28 of the superior court in such county, then to any justice of  
29 the supreme judicial court in this state and said justice or  
30 judge shall thereupon appoint a third referee residing in  
31 such county and shall cause to be sent written notification  
32 thereof to the parties.'