

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 255

H. P. 271

House of Representatives, January 27, 1955

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Childs of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

**AN ACT Relating to a Revolving Fund to Satisfy Judgments from Motor
Vehicle Accidents.**

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

Sec. 1. R. S., c. 22, §§ 82-A - 82-B, additional. Chapter 22 of the revised statutes is hereby amended by adding thereto 2 new sections to be numbered 82-A and 82-B, to read as follows:

'Fund to Satisfy Judgments.

Sec. 82-A. Revolving fund created. The owner of each motor vehicle, registered under the provisions of this chapter, shall in addition to any other registration fee, pay to the Secretary of State an additional fee of \$1 for each vehicle registered. The fees collected under this section shall be turned over to the Treasurer of State to be set up on the books of the State as a revolving fund to satisfy judgments from suits arising from motor vehicle accidents. The fee of \$1 shall first be paid with all registrations for the year 1956.

Whenever such fund, on July 1 of any year, has reached the amount of \$1,500,000, the Secretary of State shall suspend the payment of the additional fee as provided in the preceding paragraph and shall reimpose such additional fee whenever the fund is less than \$1,000,000 on any subsequent July 1.

Sec. 82-B. Judgments and payments. Whenever, in any court in the State, a judgment to an amount exceeding \$100, exclusive of costs, is recovered for damages on account of bodily injury to or the death of any person, or damage to property and such injury, death or damage was occasioned by or arose out of the operation of a motor vehicle within the State of Maine, after December 31,

1955, then upon the determination of all proceedings, including appeals, and upon notice to the Secretary of State, the judgment creditor may apply to a Judge of the Superior Court, in term time or vacation, for an order directing payment of the amount of the judgment, or the unsatisfied portion thereof, out of the fund.

Where any person recovers any such judgment, he shall not make application for an order directing payment out of the fund unless he has:

I. Joined as defendant, in the action in which the judgment was recovered, every person against whom he has a cause of action for the damages suffered or made a settlement with every such person against whom he has not brought an action; which settlement, in the opinion of the Judge is reasonable under the circumstances and has been taken into consideration in fixing the amount of the judgment. If not so taken into consideration the Judge shall, in ordering payment from the fund, reduce the judgment by the amount of such settlement.

II. Caused the judgment debtor to be examined pursuant to the law for that purpose provided as to his property and means and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment.

III. Made exhaustive searches and inquiries to ascertain whether the judgment debtor is possessed of assets and has learned of no assets possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debtor.

Such payments shall not exceed the maximum amounts provided for under the financial responsibility law after deducting any amounts received in partial satisfaction of such judgment and no payment shall be made until the judgment creditor has assigned his judgment to the Treasurer of State in the name of the State of Maine.

Whenever a payment has been made from the fund, the Secretary of State shall suspend all motor vehicle registrations and drivers licenses of the judgment debtor or debtors until such debtor or debtors have made restitution to the fund with interest at the rate of 5% compounded annually from the date of the payment from the fund.

Payments from the fund will be made once each year as follows:

I. All orders for payment from the fund filed with the Secretary of State on or before January 15 of any year will be paid from the amount in the fund on that date. Orders filed after January 15 will be paid the following year.

II. The Secretary of State shall compile a list of all such orders and if sufficient moneys are in the fund to pay all orders in full, he shall direct the Treasurer of State to make payment on or before March 15 of that year.

III. If there is not sufficient moneys in the fund on January 15 to pay all orders filed by that date, the Secretary of State shall direct the Treasurer of State to pay out the entire fund to the judgment creditors on or before March

15 in that proportion which their judgments bear to the total of such judgments on file, and such distribution shall bar such judgment creditors from any further claims against the fund as a result of such judgment.'

Sec. 2. Effective date. The provisions of this act shall apply with respect to all courses of action arising after December 31, 1955.