

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND FIRST LEGISLATURE

---

---

Legislative Document

No. 118

---

---

S. P. 68

In Senate, January 10, 1963

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Kimball of Hancock.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

---

AN ACT Creating a State Hunters' Casualty Fund.

---

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

**Sec. 1. R. S., c. 36-B, additional.** The Revised Statutes are amended by adding a new chapter 36-B, to read as follows:

**'Chapter 36-B.**

**Hunters' Casualty Fund.**

**Sec. 1. Policy.** It is declared to be the policy of the State of Maine to establish a Hunters' Casualty Fund to indemnify persons insured under this chapter, or their beneficiaries, accidentally shot while hunting in this State.

**Sec. 2. Definitions.** Unless a different meaning is plainly required by the context:

"Hunting" means to hunt for, pursue or stalk wild birds and animals.

"Hunters' Casualty Fund" or "fund" means the fund derived from sources specified in this chapter.

"Hunters' casualty fee" or "fee" means the sum collected under this chapter and credited to the Hunters' Casualty Fund.

"License year" means the period beginning January 1st and ending December 31st of each year.

"Beneficiary" means the person designated by the insured on the hunter's casualty certificate provided under this chapter.

“Hunter’s casualty certificate” means an appropriate certificate prepared by the Insurance Commissioner and issued by the Department of Inland Fisheries and Game according to this chapter which insures the named insured or beneficiary designated by him for bodily injury or death resulting from a hunting accident caused by a bow and arrow or firearm. Benefits provided under this chapter shall not apply in cases of suicide, attempted suicide or murder.

“Loss of hands or feet” means severance at the wrist or ankle.

“Loss of eyes” means a total and irrevocable loss of eyesight in either or both eyes.

Sec. 3. Provisions providing for Hunters’ Casualty Fund. In order to provide casualty benefits to named insureds, or their beneficiaries, accidentally shot while hunting, every person applying for a resident or nonresident license to hunt for any license year, starting with the year beginning January 1, 1964, shall pay to the Department of Inland Fisheries and Game or its designated agent a hunters’ casualty fee of \$1 for a hunters’ casualty certificate. The fees collected under this section shall be deposited in the General Fund to the credit of a special Hunters’ Casualty Fund, and shall be expended only as provided in this chapter or as otherwise provided by law to carry out this chapter.

All fees collected by the Department of Inland Fisheries and Game or its agents shall be remitted to the Treasurer of State within 30 days after receipt and become part of the fund. The fund may be invested and reinvested in the same manner as state funds and shall be disbursed by the Treasurer of State according to the order of the Insurance Commissioner or Casualty Appeal Board as provided in this chapter.

Sec. 4. Principal sum settlements. The Insurance Commissioner shall order payment of the following principal sum settlements to the named insured or his beneficiary on undisputed claims arising under this chapter:

In case of:

Death	\$5,000
Loss of both eyes	5,000
Loss of both hands	5,000
Loss of both feet	5,000
Loss of one eye	2,500
Loss of one hand	2,500
Loss of one foot	2,500

The claimant of a disputed claim may present his grievance in writing to the Casualty Appeal Board and petition it for a hearing. The board shall hold a hearing on the petition within one year of receipt of the petition and shall notify the claimant to appear. The board shall determine the final settlement, if any, of the claim which shall not be in excess of the principal sum settlement provided in this section and order payment of such settlement from the fund.

Sec. 5. Casualty Appeal Board. There is created a Casualty Appeal Board, the function of which shall be to settle claims made under this chapter where the

benefits, if any, to be paid are in dispute and to perform such other duties as may be prescribed by law. The board shall consist of 3 members, a State Senator and State Representative appointed by the Governor with the advice and consent of the Council, and the Insurance Commissioner who shall serve as an ex officio member of the board, except that he may appoint any suitable person from his department to serve during his pleasure in his stead, but in no case longer than his term of office. The terms of the appointed members shall be coterminous with the terms for which they are elected. A vacancy shall be filled for the unexpired term in the same manner in which a regular appointment is made. The appointed members of the board shall be paid \$25 per day and necessary expenses for each day actually spent in the work of the board. The members of the board shall elect a chairman who shall preside at all meetings of the board when present. The board shall meet during the months of March and August of each year to determine the final settlement of any disputed claims. The Insurance Commissioner shall serve as secretary of the board. The Insurance Commissioner and the Commissioner of Inland Fisheries and Game shall cooperate fully with the board in assisting it in the performance of its duties.

Sec. 6. Disposition of annual surplus. Any surplus in the Hunters' Casualty Fund not awarded to claimants at the close of each license year for death or injuries incurred in hunting accidents or required for administrative purposes shall be used for the following purposes:

I. Emergency fund. Fifty percent of the surplus at the end of each license year shall be retained as an emergency fund until the sum of \$250,000 has been accumulated. This sum shall be used in the event current moneys are insufficient to meet claims against the fund.

When the sum of \$250,000 has been accumulated in the emergency fund then this portion of the annual surplus shall be used to increase the benefits provided under this chapter as determined by the Insurance Commissioner.

II. Safety promotion. Fifty percent of the annual surplus at the end of each license year shall be expended to promote safe hunting by classes of instruction, posters, advertising, flyers or any other methods as the Insurance Commissioner and the Commissioner of Inland Fisheries and Game may deem advisable.

Sec. 7. Purposes for which surveys may be disbursed from fund. All moneys deposited to the credit of the Hunters' Casualty Fund shall be held for the satisfaction of claims allowed under this chapter, and shall be disbursed out of the fund for the following purposes only:

I. Expenses of administration. Payment of the expenses of the Insurance Department, Department of Inland Fisheries and Game and Casualty Appeal Board incurred in administering this chapter during each fiscal year.

II. Payment of claims. Payment of claims allowed under this chapter.

Sec. 8. Reliance on other process not waived. Nothing in this chapter shall prevent a claimant from proceeding upon any other remedy available at law or diminish the liability of any defendant.'

**Sec. 2. Effective date.** This act shall be effective for the calendar year 1964 and for the subsequent years until changed by legislative enactment.

**Sec. 3. Appropriation.** Upon the establishment of the Hunters' Casualty Fund created by the Revised Statutes, chapter 36-B, enacted by section 1 of this act, there is appropriated to such Hunters' Casualty Fund, from the Un-appropriated Surplus of the General Fund, the sum of \$25,000 to carry out the purposes of this act. On June 30, 1965 there shall be returned to the General Fund the sum of \$25,000.