

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1606

H. P. 1158

House of Representatives, March 17, 1971

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Scott of Wilton.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Relating to Contingent Fees for Legal Services in Certain Cases.

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

R. S., T. 4, § 812, additional. Title 4 of the Revised Statutes is amended by adding a new section 812, to read as follows:

§ 812. Contingent fee

1. Any action against any hospital. No contingent fee agreement shall be made between an attorney and a client who is the plaintiff in a cause of action of any nature whatsoever, whether in tort or in contract, whether at law or in equity, wherein any hospital is a defendant for the payment of the attorney's services in connection with such a cause of action.

2. Definitions.

A. Contingent fee agreement. The term "contingent fee agreement" means an agreement, express or implied, for legal services of an attorney or attorneys, including any associated counsel, under which compensation, contingent in whole or in part upon the successful accomplishment or disposition of the subject matter of the agreement, is to be in an amount which either is fixed or is to be determined under a formula. The term "contingent fee agreement" shall not include an arrangement with a client, express or implied, that the client in any event is to pay to the attorney the reasonable value of his services and his reasonable expenses and disbursements.

B. Defendant. The term "defendant" includes a person against whom there is a claim of a right of action as well as the person against whom

such an action is brought, and includes such a person even though an action is never instituted in a court.

**C. Hospital.** The term "hospital" shall include any institution where the sick or injured are given medical, surgical or nursing care, and it shall include a state, private, charitable and business institution providing such care.

**D. Person.** The term "person" shall include any hospital.

**E. Plaintiff.** The term "plaintiff" includes a person who claims to have a right of action as well as the person who brings such an action, and includes such a person even though an action is never instituted in a court.

#### STATEMENT OF FACT

The object of this Bill is to prohibit contingent fee arrangements between attorney and plaintiff in personal injury and wrongful death suits and claims, and to prohibit contingent fee arrangements between attorney and plaintiff in any suit or claim of any nature when any hospital or nursing home is the defendant.