

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1363

H.P. 941

House of Representatives, April 1, 1991

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

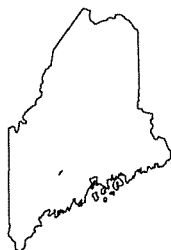
Presented by Representative ANTHONY of South Portland.

Cosponsored by Representative LAWRENCE of Kittery, Senator CONLEY of Cumberland and Senator McCORMICK of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Eliminate the Need for Notice of Claim When the Government
Is Aware of a Claimant's Inquiries.**



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

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4 14 MRSA §8107, last ¶, as enacted by PL 1977, c. 2, §2, is amended to read:

6 This section shall does not apply to such claims as may be asserted under the Rules of Civil Procedure by a 3rd party complaint, crossclaim ~~or~~, counterclaim or when the governmental entity has insurance and the insurance carrier is in contact with the claimant.

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STATEMENT OF FACT

To the extent that insurance exists, actual notice to the insurance company in writing constitutes substantial compliance with the notice provisions of this bill. The bill eliminates the need for formal notice when the governmental entity and its insurance carrier are aware of the claimants injuries and have been dealing with the claimant with respect to injuries despite the absence of a formal notice of claim under this bill. The formal notice of claim is considered unnecessary.