

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 448

H.P. 341

House of Representatives, February 10, 2011

An Act To Allow a Valid Claim against a Dissolved Corporation

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative DILL of Cape Elizabeth.
Cosponsored by Senator BLISS of Cumberland and
Representatives: CROCKETT of Bethel, PRIEST of Brunswick, ROCHELO of Biddeford.

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

2 **Sec. 1. 13-C MRSA §1407, sub-§3**, as enacted by PL 2001, c. 640, Pt. A, §2 and
3 affected by Pt. B, §7, is amended to read:

4 **3. Claim barred.** A claim against the dissolved corporation, other than a liquidated
5 claim that is known to the corporation, has fully matured and is not disputed in good faith
6 by the corporation, is barred:

7 A. If a claimant who was given written notice under subsection 2 does not deliver
8 the claim to the dissolved corporation by the deadline; or

9 B. If a claimant whose claim was rejected by the dissolved corporation does not
10 commence a proceeding to enforce the claim within 90 days after the effective date of
11 the rejection notice.

12 Nothing in this subsection affects or prevents, to the limits of the insurance protection
13 only, any proceeding to establish liability of the corporation for which the corporation is
14 protected by liability insurance.

15 **Sec. 2. 13-C MRSA §1408, sub-§3**, as amended by PL 2003, c. 631, §23, is
16 further amended to read:

17 **3. Claim barred.** If the dissolved corporation publishes a newspaper notice in
18 accordance with subsection 2, the claim of each of the following claimants is barred
19 unless the claimant commences a proceeding to enforce the claim against the dissolved
20 corporation within 3 years after the publication date of the newspaper notice:

21 A. A claimant who was not given written notice under section 1407;

22 B. A claimant whose claim was timely sent to the dissolved corporation but not acted
23 on; or

24 C. A claimant whose claim is contingent or is based on an event occurring after the
25 effective date of dissolution.

26 Nothing in this subsection affects or prevents, to the limits of the insurance protection
27 only, any proceeding to establish liability of the corporation for which the corporation is
28 protected by liability insurance.

29 **SUMMARY**

30 This bill allows a claim against a dissolved corporation when there is liability
31 insurance available.