

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-THIRD LEGISLATURE

House Document

No. 576

H. P. 1256 House of Representatives, Apr. 1, 1927.

Reported by Mr. Decker from Committee on Mercantile Affairs and Insurance and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-SEVEN

AN ACT Providing for the Payment of Losses Under Certain
Policies of Liability Insurance.

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

Section 1. The liability of every company which insures any
2 person, firm or corporation against accidental loss or damage
3 on account of personal injury or death, or on account of acci-
4 dental damage to property, shall become absolute whenever
5 such loss or damage for which the insured is responsible,
6 occurs; and the rendition of a final judgment against the
7 insured, for such loss or damage, shall not be a condition
8 precedent to the right or obligation of the insuring company
9 to make payment on account of such loss or damage.

Sect. 2. Whenever any person, administrator, executor, guardian, firm or corporation, recovers a final judgment against any other person, firm or corporation, for any loss or damage specified in the preceding section, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment by bringing a bill in equity, in his own name, against the insuring company to reach and apply said insurance money; provided that when the right of action accrues the judgment debtor was insured against said liability, and that before the recovery of said judgment the insuring company had had notice of such accident, injury or damage; provided also that the insuring company shall have the right to invoke the defenses described in section five of this act in said equity proceedings.

Sect. 3. No bill in equity shall be brought against an insurance company to reach and apply said insurance money until twenty days shall have elapsed from the time of the rendition of the final judgment against the judgment debtor.

Sect. 4. None of the provisions of this act shall apply

(1) when the automobile, motor vehicle or truck is being operated by any person contrary to law as to age, or by any person under the age of sixteen (16) years where no statute restricts the age; or

(2) when such automobile, motor vehicle or truck is being used in any race or speed contest; or

(3) when such automobile, motor vehicle or truck is being used for towing or propelling a trailer unless such

3 privilege is endorsed on the policy, or such trailer is also
4 insured by the company; or

(4) in the case of any liability assumed by the insured
2 for others; or

(5) in the the case of any liability under any workmen's
2 compensation agreement, plan or law; or

(6) when there is fraud or collusion between the judg-
2 ment creditor and the insured.

Sect. 5. All acts or parts of acts inconsistent with this
2 act are hereby repealed.