

# MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

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Legislative Document

No. 461

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H. P. 970                      House of Representatives, Feb. 11, 1931.  
Referred to Committee on Judiciary and 500 copies ordered  
printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Wright of Bath.

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STATE OF MAINE

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

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AN ACT to Provide for Liens in Favor of Hospitals and Other Charitable Institutions Furnishing Care, Treatment and Maintenance of Persons Injured in Accidents, and in Favor of Physicians and Nurses Attending upon, Treating or Caring for Such Injured Persons upon the Rights of Action, Claims or Demands of Such Injured Persons against Other Persons or Corporation for Damages on Account of Negligence Causing the Injuries and upon the Proceeds of the Settlements of Any Such Claims or Demands.

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

Section 1. Organizations entitled to benefits of Lien Law. Every charitable association, corporation or other institution maintaining a hospital in the state of Maine supported in whole or in part by private charity, shall be entitled to a lien upon any and all rights of action, suits, claims, counterclaims or demands of any person admitted to any such hospital and receiving treatment, care and maintenance therein, on account of any personal injuries received in any accident as the result of the negligence of any other person or corporation, which any such injured person may or shall have, assert or maintain against any such other person or corporation for damages on account of such injuries, for the amount of the charges of such hospital for such treatment, care and maintenance.

Sec. 2. Individuals entitled to benefits of Lien Law. Every

physician and nurse attending upon treating or caring for any person while in any hospital in the state of Maine supported in whole or in part by private charity, having been admitted to such hospital on account of any personal injuries received in any accident as the result of the negligence of any other person or corporation, shall be entitled to a lien upon any and all rights of action, suits, claims, counterclaims or demands which any such injured person may or shall have, assert or maintain against any such other person or corporation for damages on account of such injuries, for the reasonable amount of the charges of such physician or nurse for such care and treatment.

Sec. 3. Method of Procedure. The lien of any such hospital, physician or nurse shall attach to any verdict, report, decision, decree, award, judgment or final order made or rendered in any action or proceeding in any court of record of Maine, or any public board or bureau, in any suit, action, or proceeding brought by such injured person, or by the estate of such injured person in case of deaths as the result of such injuries, against any other person or corporation for the recovery of damages, or compensation on account of injuries received in any such accident, as well as to the proceeds of any settlement thereof, or the settlement of any such claim or demand effected by any such injured person with any other person or corporation whose negligence is claimed or alleged to have been the cause of the said accident or effected with any other person or corporation on account thereof.

Sec. 4. Authorization for release. No release of any claim or demand on account of any such injuries, or in respect of any such verdict, report, decision, decree, award, judgment or final order, made or rendered as hereinbefore mentioned, executed by any such injured person, or by his or her estate, shall be valid or effectual, between the parties thereto or otherwise, unless, prior to the execution and delivery thereof, all such charges of any such hospital or institution, physicians or nurses, shall have been paid in full, or to the extent of the full and true consideration paid or given to the injured person by the other party or parties to such release named therein, or paid or given by any other person or corporation in behalf of such other party or parties, and unless such release shall also have been executed by the corporation, association or

institution maintaining such hospital; and every such verdict, report, decision, decree, award, judgment or final order shall remain in force and effect until all such charges of any such hospital, institution, physician or nurse shall have been paid in full, or to the extent of any such verdict, report, decision, decree, award, judgment or final order; provided, that a notice containing the name of the injured person, the date of the accident and the amount of such hospital charges shall be filed within three months after the date of the accident by such corporation, association or institution in the office of the clerk of courts of the county in which such hospital or institution is situated.

Sec. 5. Lien docket; records; fees. Every clerk of courts shall, at the expense of the county, provide a suitable, well-bound book, to be called the hospital lien docket, in which, upon the filing of any lien claim under the provisions of this act, he shall enter:

The name of the injured person, the date of the accident, the name of the hospital or other institution making the claim, and the amount thereof.

And the said clerk of courts shall make a proper index of the same in the name of the injured person; and such clerk shall be entitled to twelve cents for filing each claim, and at the rate of eight cents per folio for such entry made in the lien docket and six cents for every search in the office for such lien claim.