

# MAINE STATE LEGISLATURE

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# EIGHTY-FIFTH LEGISLATURE

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**Legislative Document**

**No. 798**

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S. P. 494

In Senate, March 4, 1931.

Taken from Table on motion by Senator Slocum of Cumberland and on further motion by the same Senator referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary,

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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 Relating to the Liability of Insurance Companies.

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

Section 1. Organizations Entitled to Benefits. Every association, corporation or other institution, which maintains a hospital supported in whole or in part by private charity, and every physician, surgeon or nurse of any such hospital, shall in the case of hospitalization, examination, treatment, or the ensuing death, of any injured person interned in such institution, be entitled to the right of subrogation to the extent hereinafter provided, in the proceeds, or right of recovery, of every claim, demand, cause of action or suit to which said injured or deceased person, or his legal representatives, may be entitled by reason of any act or acts of negligence of any other person, firm, corporation, or third party, for the reasonable charges of such hospitalization, examination, treatment or expenses of last sickness.

Sec. 2. Prior Release of Claim not Valid. No release of any such claim, demand or cause of action by any injured person interned in such institution, or by his legal representatives, shall be admissible in any court of record or other civil tribunal until plenary evidence has been introduced to prove that all hospital, medical, surgical and nursing bills and ex-

penses of last sickness have been satisfied in full as evidenced by written releases of such institution, physician, surgeon or nurse, as defined in the preceding section of this act.

Sec. 3. Claim to be Filed with Town Clerk. No claimant defined in the preceding sections of this act shall acquire any preference over any other class of creditors of such injured or deceased person, in respect to the proceeds or right of recovery of any claim herein specified, unless notice of his claim shall have been filed in the office of the town clerk where such service was rendered, within ninety days of the accident; and provided, further, that such claimant may, in case of the failure or refusal of such injured person, or of his legal representatives, within said ninety days to institute proceedings against the party responsible for the consequences of such accident, bring a bill in equity in the name of the injured person or his legal representatives to reach and apply to the payment of his account the proceeds of any judgments that have been or may be recovered against the parties legally liable.

Sec. 4. Registry of Claim. The fee of the town clerk for filing the notice of claim required in the preceding section shall be fifteen cents, to be paid by the claimant upon presentation of his claim, and said clerk shall record the names of the parties and the amount of each claim in a book of entry provided for that purpose, which shall be open to public inspection.