

MAINE STATE LEGISLATURE

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EIGHTY - SIXTH LEGISLATURE

Legislative Document

No. 36

H. P. 71 House of Representatives, Jan. 18, 1933.
Referred to Committee on Judiciary and 500 copies ordered
printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Farris of Augusta.

STATE OF MAINE

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

AN ACT For a Lien for Hospitals and Doctors.

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

Section 1. **Lien established for hospitals and doctors; notice; itemized statement to be filed.** Hospitals and licensed physicians and surgeons performing medical or surgical care or treatment to any person for any injury by him suffered have a lien for the amount of their reasonable services and disbursements, including expenditures for employees and assistants upon all claims and causes of action of such person, or his estate, because of said injury, and death if caused by said injury. No such lien shall attach unless within 15 days after the commencement of such care or treatment the lien claimant files with the clerk of courts in the county in which the lien claimant is located a notice, stating the name of such injured person, the name and location of the lien claimant and, so far as to the lien claimant known, the date and place of the injury and the persons or corporations believed to be liable for payment of money therefor; and any such lien shall become void unless the lien holder within 60 days after the termination of such care or treatment shall file with said clerk an itemized statement of the account for which lien is sought, and shall within one year after the termination of such care or treatment commence suit to reduce such claim to judgment; provided, however, that in event of death from such injury, said suit shall be commenced

within one year after the appointment and qualification of the executor of the will or administrator of the estate of such injured person.

Sec. 2. **Enforcement of lien.** Action to enforce such lien shall be by assumpsit with declaration showing that the writ is brought to enforce such lien, or by bill in equity, in the county where the plaintiff or principal defendant resides, such reasonable notice of the pendency thereof to be given 3rd parties believed to be liable for payment of moneys to which such lien would attach, as the court orders, and upon such notice said 3rd parties shall appear and become parties to the suit. At any stage of the proceedings, the lien claimant may file a written waiver of lien against any such 3rd party, whereupon the action shall be dismissed as to such 3rd party. Any such 3rd party may deposit in court the amount of any lien alleged against him, whereupon the actions shall be dismissed as to such party. The court shall seasonably order the payment of any such deposit to the persons entitled thereto.

Sec. 3. **Consolidation of lien actions.** The court may order the consolidation into a single proceeding in equity, of all such lien actions pending in the county and arising from such injury. Final adjudication of such lien actions shall await the determination by agreed adjustment or court decision and judgment, of the amount, if any, due from such 3rd parties because of such injury, and death if caused by such injury. Thereupon, the court in termtime or vacation may adjudicate such lien actions against the defendant and such 3rd parties, determine the portion of such agreed adjustment or court recovery which shall be applied to such liens, and the distribution thereof among the lien holders. The court may apportion costs as justice requires.

Sec. 4. **Effect of payments by 3rd parties.** Payment by any such 3rd party directly to any persons making claim because of such injury shall not avoid any lien proven in accordance with this act, and shall constitute conclusive proof of the liability of such 3rd party to the lien holders up to the amount of such payment; provided, that such 3rd parties, making such payments after 30 days from the date of such injury shall be subject to liability only to lien holders who have filed with the

clerk of courts the notice first mentioned in section 1, previous to such payment, and have otherwise complied with this act.

Sec. 5. **Exceptions.** This act is not applicable to injuries compensable under the workmen's compensation act.