

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 701

S. P. 282

In Senate, February 17, 1937.

On motion by Senator Martin of Penobscot referred to Committee on Judiciary and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Martin of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relating to Hospital Liens.

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

Sec. 1. Lien established for hospitals; notice itemized statement to be filed. Hospitals rendering 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. Effect of payments by third 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. 4. Exceptions. This act is not applicable to injuries compensable under the workmen's compensation act.