

MAINE STATE LEGISLATURE

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

Legislative Document

No. 148

H. P. 494

House of Representatives, January 26, 1939.

Referred to Committee on Judiciary. Sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Hinckley of Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to Reference of Fire Insurance Claims.

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

R. S., c. 60, § 8, amended. Section 8 of chapter 60 of the revised statutes is hereby amended to read as follows:

‘Sec. 8. Proceedings in case parties fail to agree as to amount of loss; fees; how paid. In case of loss under any fire insurance policy, issued on property in this state, in the standard form set forth in section 5, and the failure of the parties to agree as to the amount of loss, if the insurance company shall not, within 10 days after a written request to appoint referees under the provision for arbitration in such policy, name 3 men under such provision, each of whom shall be a resident of this state, and willing to act as one of such referees; or if such insurance company shall not, within 10 days after receiving the names of 3 men named by the insured under such provision, make known to the insured its choice of one of them to act as one of such referees, it shall be deemed to have waived the right to an arbitration under such policy, and be liable to suit thereunder, as though the same contained no provision for arbitration as to the amount of loss or damage. And in case of the failure of 2 referees, chosen, respectively by the insurance company and the insured, to agree upon and

select within 10 days from their appointment a 3rd referee willing to act in said capacity, either of the parties may within 20 days from the expiration of said 10 days make written application setting forth the facts to the insurance commissioner to appoint such 3rd referee, and said commissioner shall thereupon make such appointment and shall send written notification thereof to the parties. **The fees and necessary expenses of said referees shall be fixed by a justice of the supreme judicial or the superior court, and shall be paid by the county in which the loss or damage occurs on presentation of a proper certificate of the clerk of courts for that county.'**