

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# STATE LAW LIBRARY

Transmitted by Director of Legislative Research pursuant to joint order.

## NINETY - EIGHTH LEGISLATURE

**Legislative Document**

**No. 1261**

S. P. 443

In Senate, March 14, 1957

Referred to Committee on Business Legislation, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Woodcock of Penobscot.

### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

#### AN ACT Creating a Hospital Lien Law.

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

**R. S., c. 178, §§ 89-92, additional.** Chapter 178 of the Revised Statutes is hereby amended, by adding thereto 4 new sections to be numbered 89 to 92, inclusive, to read as follows:

**Sec. 89. Lien.** Every individual, partnership, firm, association, corporation, institution or any governmental unit or combination of parts thereof maintaining and operating a hospital licensed in the State of Maine, which shall furnish medical or other service to any patient injured by reason of an accident not covered by the Workmen's Compensation Act, which, if such injured patient shall assert or maintain a claim against another for damages on account of such injuries, have a lien upon that part going or belonging to such patient, or to the person responsible for the payment of such patient's bills, of any recovery or sum had or collected or to be collected by such patient or by the person responsible, for the payment of such patient's bills, or by his heirs or personal representatives in the case of his death, whether by judgment or by settlement or compromise to the amount of the reasonable and necessary charges of such hospital for the treatment, care or maintenance of such patient in such hospital up to the date of payment of such damages. The provisions of sections 89 to 92, inclusive, shall not be applicable to accidents and injuries within the purview of the Workmen's Compensation Act.

**Sec. 90. Notice.** No such lien shall be effective unless a written notice containing the name and address of the injured person, the date of the accident, the name and location of the hospital, and the name of the person or persons,

firm or firms, corporation or corporations alleged to be liable to the injured party for the injuries received, shall be filed with the clerk of the municipality in which such hospital is located not later than 10 days after the patient has been discharged from the hospital and prior to the payment of any moneys to such injured person, his attorneys or legal representatives as compensation for such injuries; nor unless the hospital shall mail, registered mail, return receipt requested, a copy of such notice with a statement of the date of filing thereof to:

I. The person or persons, firm or firms, corporation or corporations, alleged to be liable to the injured patient for the injuries sustained prior to the payment of any moneys to such injured person, his attorneys or legal representatives, as compensation for such injuries and;

II. To any insurance carrier which has insured such person, firm or corporation against such liability. The person or persons, firm or firms, corporation or corporations alleged to be liable to the injured patient shall upon request of the hospital disclose the name of his or its insurance carrier which has insured such person, firm or corporation against such liability.

Sec. 91. Duration. Any person or persons, firm or firms, corporation or corporations, including an insurance carrier, making any payment to such patient or to his attorneys or heirs or legal representatives, or to any other person as compensation for the injuries sustained, after the filing and receipt of such notice without paying to such hospital the amount of its lien or so much thereof as can be satisfied out of the moneys due under any final judgment or compromise or settlement agreement after paying the amount of any prior liens, shall for a period of one year from the date of payment to such patient or his heirs, attorneys or legal representatives, or other person, as provided, be and remain liable to such hospital for the amount which such hospital was entitled to receive; and any such association, corporation or other institution maintaining such hospital may, within such period, enforce its lien by a suit at law against such person or persons, firm or firms, corporation or corporations making any such payment.

Sec. 92. Index. Every municipal clerk shall, at the expense of the municipality, provide a book or card filing system to be called the hospital lien docket in which, upon the filing of any lien claim under the provisions of sections 89 to 92, inclusive, he shall enter the name of the injured person, the name of the person, firm or corporation alleged to be liable for the injuries, the date of the accident and the name of the hospital or other institution making the claim. Said clerk shall make a proper index of the same in the name of the injured person and such clerk shall be entitled to be paid a fee of 50c by the lien claimant for such filing.'