

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty - Third Legislature

OF THE

STATE OF MAINE

1927

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-third Legislature

1927

[supplied from page 1 of volume]

administration of "third class highways fund"; further amended. Section three of chapter two hundred and sixty-three of the public laws of nineteen hundred and nineteen, as amended, is hereby amended by adding to the end thereof the following: 'It is further provided that such towns shall have in the year next preceding cut and removed all trees, shrubs, and useless fruit trees, bushes and weeds, except shade trees, timber trees, cared-for fruit trees, and ornamental shrubs, growing between the road limit and the wrought part of any improved section of state highway, state aid highway and third class road locations,' so that said section shall read as follows:

Sec. 3. Apportionment of funds contingent on removal of trees, bushes, weeds, etc. from road limits. The administration and expenditure of the third class highway fund shall be under the general supervision of the state highway commission and shall be apportioned among the various towns according to the number of miles of third class roads contained therein, as determined by the highway commission, provided that such towns shall have appropriated for the current year in addition to the appropriation for state aid work and appropriation under the so-called bridge act, an amount not less than four mills on the valuation of such town for roads and bridges, summer and winter. It is further provided that such towns shall have in the year next preceding cut and removed all trees, shrubs, and useless fruit trees, bushes and weeds, except shade trees, timber trees, cared-for fruit trees, and ornamental shrubs, growing between the road limit and the wrought part of any improved section of state highway, state aid highway and third class road locations.'

Approved April 12, 1927.

Chapter 146.

An Act Providing for the Payment of Losses Under Certain Policies of Liability Insurance.

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

Sec. 1. Liability of insurance company becomes absolute when loss occurs; rendition of final judgment not a condition precedent. The liability of every company which insures any person, firm or corporation against accidental loss or damage on account of personal injury or death, or on account of accidental damage to property, shall become absolute whenever such loss or damage for which the insured is responsible, occurs; and the rendition of a final judgment against the insured, for such loss or damage, shall not be a condition precedent to the right or obligation of the insuring company to make payment on account of such loss or damage.

CHAP. 146

Sec. 2. Application of insurance money in cases after final judgment; company entitled to notice of accident or injury. Whenever any person, administrator, executor, guardian, firm or corporation, recovers a final judgment against any other person, firm or corporation, for any loss or damage specified in the preceding section, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment by bringing a bill in equity, in his own name, against the insuring company to reach and apply said insurance money; provided that when the right of action accrues the judgment debtor was insured against said liability, and that before the recovery of said judgment the insuring company had had notice of such accident, injury or damage; provided also that the insuring company shall have the right to invoke the defenses described in section five of this act in said equity proceedings.

Sec. 3. Bill not to be brought until twenty days after final judgment. No bill in equity shall be brought against an insurance company to reach and apply said insurance money until twenty days shall have elapsed from the time of the rendition of the final judgment against the judgment debtor.

Sec. 4. Act not applicable in certain cases. None of the provisions of this act shall apply

(1) when the automobile, motor vehicle or truck is being operated by any person contrary to law as to age, or by any person under the age of sixteen years where no statute restricts the age; or

(2) when such automobile, motor vehicle or truck is being used in any race or speed contest; or

(3) when such automobile, motor vehicle or truck is being used for towing or propelling a trailer unless such privilege is endorsed on the policy, or such trailer is also insured by the company; or

(4) in the case of any liability assumed by the insured for others; or

(5) in the case of any liability under any workmen's compensation agreement, plan or law; or

(6) when there is fraud or collusion between the judgment creditor and the insured.

Sec. 5. Inconsistent acts repealed. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved April 12, 1927.