

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
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STATE OF MAINE
AS PASSED BY THE
One Hundred and Third Legislature
1967

Chapter 371

AN ACT Relating to Meetings of the Advisory Council of the Department or Economic Development.

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

R. S., T. 10, § 405, amended. The 2nd paragraph of section 405 of Title 10 of the Revised Statutes is amended to read as follows:

The advisory council shall meet ~~at least once each month~~ at the call of the chairman or at the request of 3 members of the advisory council. Suitable accommodations shall be provided for such meetings by the department.

Effective October 7, 1967

Chapter 372

AN ACT Relating to Tax Exemption for Benevolent and Charitable Institutions Conducted for Benefit of Nonresidents.

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

R. S., T. 36, § 652, sub-§ 1, ¶ A, sub-¶ (1), amended. The first sentence of subparagraph (1) of paragraph A of subsection 1 of section 652 of Title 36 of the Revised Statutes is amended to read as follows:

No such institution shall be entitled to tax exemption if it is in fact conducted or operated principally for the benefit of persons who are not residents of Maine and if stipends or charges for its services, benefits or advantages in excess of an equivalent of ~~\$15~~ \$20 per week are made or taken.

Effective October 7, 1967

Chapter 373

AN ACT to Provide for a Lien for Hospital Services on Recoveries from Third Persons.

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

R. S., T. 10, c. 610, additional. Title 10 of the Revised Statutes is amended by adding a new chapter 610 to read as follows:

CHAPTER 610

HOSPITAL SERVICES

§ 3411. Lien

Every individual, partnership, firm, association, corporation, institution or any governmental unit or combination or parts thereof maintaining and operat-

ing a hospital licensed in the State of Maine shall be entitled to a lien for the reasonable charges for hospital care, treatment and maintenance of an injured person upon any and all causes of action, suits, claims, counter-claims or demands accruing to the person to whom such care, treatment or maintenance was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which necessitated such hospital care, treatment and maintenance. Such lien shall not be applied or considered valid against anyone coming under the Workmen's Compensation Act in this State, and nothing enacted by this chapter shall be construed so as to give such lien precedence over the claim or contract of an attorney for legal services rendered with respect to the claim of the injured party nor shall this lien be applicable to any accident or health insurance policy, or the proceeds from the same, owned by or running to the benefit of the injured person.

§ 3412. Notice

No such lien shall be perfected unless a written notice containing the name and address of the injured person, as it shall appear on the records of the hospital, 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 under the name of the patient and under the name of all persons, firms or corporations liable for damages arising from such injuries 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. Persons alleged to be liable. 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. Insurance carrier. To the home office, or district office handling the carrier's business within the State, of 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 written request of the hospital disclose the name of his or its insurance carrier which has insured such person, firm or corporation against such liability.

III. Hospital records available. For the purposes of determining the reasonableness of the hospital charges, the hospital shall, at the written request of the person alleged to be liable, or his insurance carrier, make available any hospital records which may be pertinent to determining the reasonableness of the hospital charge, but in no event shall they disclose any other records which it may have; including but not limited to, records or reports with regard to the nature of the injury of the patient, the nature of his condition or the state of his recovery.

§ 3413. Duration

No release of such causes of action, or any of them, or of any judgment thereon shall be valid or effectual as against such lien unless such lien holder

shall join therein, or execute a release of such lien and 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 civil action against such person or persons, firm or firms, corporation or corporations making any such payment. The assertion, claim or filing of such a lien shall in no way be deemed an election on behalf of the hospital, and the hospital shall retain all its rights to collect from the patient or from any other person legally liable for care, treatment and maintenance of the injured party.

§ 3414. 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 this chapter, 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 \$1 by the lien claimant for such filing.

§ 3415. Application

This chapter shall apply only to such charges for medical or other services furnished to persons who were injured by reason of such accidents occurring on or after the effective date of this Act.

Effective October 7, 1967

Chapter 374

AN ACT Clarifying Compensation for Occupational Disease Under Workmen's Compensation Act.

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

Sec. 1. R. S., T. 39, § 51, amended. Section 51 of Title 39 of the Revised Statutes is amended to read as follows:

§ 51. Entitlement to compensation and services generally

If an employee who has not given notice of his claim of common law or statutory rights of action, or who has given such notice and has waived the same, as provided in section 28 receives a personal injury by accident arising out