

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE NO. 456

House of Representatives, Feb. 27, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Mercantile Affairs and Insurance. Committee on Reference.

Presented by Mr. Dutton of Bingham.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT to regulate the sale of Lightning Rods.

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

Section 1. No manufacturer of lightning rods or other
2 material used for the protection of buildings from damage
3 by lightning shall offer or cause to be offered for sale in
4 this state such lightning rods or material, until authorized
5 to do so by a license obtained from the insurance commis-
6 sioner under the provision of this act.

Sect. 2. No such license shall be issued until the insur-
2 ance commissioner has approved of the material made by
3 such manufacturer for the purpose of protecting from light-
4 ning, and of the manner and system of installing such ma-

5 terial. nor until such manufacturer has filed a bond with
6 the insurance commissioner in the peual sum of ten thou-
7 sand dollars, with securities satisfactory to the insurance
8 commissioner for the purpose of guaranteeing the payment
9 of all damages occasioned to any person by misrepresenta-
10 tion, fraud or negligence practised by the licensee or any
11 agent of such licensee in the sale or installation of such
12 rods or material, together with a written stipulation that
13 legal process affecting such manufacturer, served upon the
14 insurance commissioner for the time being, shall have the
15 same effect as if served personally upon such manufacturer
16 within the state; provided that no manufacturer or other
17 person except a duly licensed insurance company or insurer
18 shall guarantee the purchaser of lightning rods against loss
19 caused by lightning or fire. When the insurance commis-
20 sioner is satisfied that the manufactúrer has complied such
21 requirements, and is safe and reliable as to assets, business
22 standing, and methods, and is entitled to confidence, he
23 may upon the payment of a fee of twenty dollars issue a
24 license to such manufacturer to continue in force one year
25 from date of issue. The license may be revoked at any
26 time by the insurance commissioner for good cause, after
27 a hearing.

Sect. 3. Upon written notice from a licensed manufact-
2 urer under this act of the appointment of a suitable person
3 to act as its agent in this state, and upon the presentation
4 of a certificate of his good reputation and moral character,

5 signed by the mayor or selectmen of the city or town of
6 which he is resident, the insurance commissioner may, if
7 he is satisfied that the appointee is a suitable person, issue
8 to him a license as such agent upon the receipt of a fee of
9 two dollars. Such license shall continue in force one year
10 from date of issue, but may be revoked at any time by the
11 insurance commissioner for good cause and after a hearing.
12 Such agents shall be residents of the state.

Sect. 4. Every such agent shall upon demand exhibit his
2 license to any mayor, selectmen, sheriff or his deputy, con-
3 stable or police officer, and to any person to whom he sells
4 or offers to sell lightning rods, and shall furnish a copy of
5 this act to every person to whom he sells such lightning
6 rods. If he neglects or refuses to do so, he shall be liable
7 to the penalty provided by this act for acting as such agent
8 without a license.

Sect. 5. Any person not licensed as provided by this act
2 selling or offering for sale such lightning rods or other
3 material shall be punished by a fine of not over two
4 hundred dollars, or six months imprisonment for each of-
5 fense, or both. The licenses provided for by this act are
6 good for only one person and are not transferable.

Sect. 6. Any person injured by the misrepresentation,
2 fraud or negligence of any manufacturer licensed under this
3 act, or of any of the agents of such licensee, in the sale or
4 installation of such rods or material, having received judg-
5 ment therefor may bring suit in the name of the insurance
6 commissioner upon the bond provided by this act and have

7 the same procedure and remedies thereon as in the case of
8 official bonds of county officers. Whenever legal process
9 against such manufacturer is served upon the commissioner,
10 he shall take such action as is provided in the case of the
11 service of legal process against foreign insurance companies.

Sect. 7. All act or parts of act relating to the sale of light-
2 ning rods are hereby repealed.