

MAINE STATE LEGISLATURE

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CHAPTER 25

**MANUFACTURERS AND SELLERS OF
LIGHTNING RODS**

Sec.

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§ 1701. License required

No manufacturer, whether a person, firm or corporation, shall sell or offer for sale material used for the protection of buildings from damage by lightning until licensed to do so by the Insurance Commissioner.

R.S.1954, c. 60, § 307.

§ 1702. Conditions; bond; guarantee

No such license shall be issued until the Insurance Commissioner has approved of the material made by such manufacturer for protection from lightning and of the manner and system of installing such material, nor until such manufacturer has filed a bond with the commissioner in the penal sum of \$10,000, with surety or sureties satisfactory to the commissioner, conditioned for fulfilling the guarantee agreement provided for by this section together with a written stipulation that legal process affecting such manufacturer or his agent, served upon the commissioner for the time being, shall have the same effect as if personally served upon such manufacturer or his agent within the State. The manufacturer shall file with the commissioner a copy of the guarantee agreement to be issued by him, which shall be in a form approved by the commissioner and must provide in substance that in the event of damage by lightning to property equipped by said manufacturer or his agent, any money paid for the equipment of said building shall be returned to the owner thereof or the damage to said building repaired. When the manufacturer has complied with the foregoing requirements and the commissioner is satisfied that the manufacturer is safe and re-

liable as to assets, business standing and methods and is entitled to confidence, the commissioner shall issue a license to such manufacturer, to continue in force one year from date of issue. The license may be revoked at any time by the commissioner for good cause after a hearing.

R.S.1954, c. 60, § 308.

§ 1703. Agent's license

Upon written notice from a manufacturer, licensed under section 1702, of the appointment of a suitable person, who must be a resident of the State, to act as his agent in this State, and upon the presentation of a certificate of the good reputation and moral character of such person, signed by the mayor or selectmen of the city or town of which he is a resident, the Insurance Commissioner may, if he is satisfied that the appointee is a suitable person and a resident of this State, issue to him a license as such agent. For the purposes of this chapter "such agent" shall be construed to mean the duly licensed resident of this State who purchases, sells and installs such lightning rod material. Such license shall continue in force until the 31st day of December following the date of issue but may be revoked at any time by the commissioner for good cause after a hearing.

R.S.1954, c. 60, § 309.

§ 1704. —Exhibition on official request

Every agent shall, upon demand, exhibit his license to any mayor, selectman, sheriff or his deputy, constable or police officer and to any person to whom he sells or offers to sell lightning rods, and shall furnish a copy of this chapter to every person to whom he sells such lightning rods. If he neglects or refuses to do so, he shall be liable to the penalty provided by section 1705 for acting as such agent without a license.

R.S.1954, c. 60, § 310.

§ 1705. Selling without license; license not transferable

Whoever sells or offers for sale such lightning rods or other material, without being licensed as provided by this chapter shall be punished by a fine of not more than \$200 or by imprisonment for 6 months for each offense. The licenses provided for by sections 1702 and 1703 are valid for only one person, firm or corporation and are not transferable.

R.S.1954, c. 60, § 311.

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**§ 1706. Holder of guarantee agreement may bring civil
 action on bond**

The holder of any guarantee agreement issued under section 1702 may bring a civil action in the name of the Insurance Commissioner upon the bond provided by said section and have the same procedure and remedies thereon as in the case of official bond of sheriffs, but the amount of damages need not be first ascertained. Whenever legal process against such manufacturer is served upon the commissioner, he shall take such action as is provided in the case of the service of legal process against foreign insurance companies.

R.S.1954, c. 60, § 312; 1963, c. 414, § 82.