

MAINE STATE LEGISLATURE

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CHAPTER 24

PROPERTY INSURANCE CONTRACTS

SECTION.

41-2401. Standard fire policy.

41-2401. Standard fire policy.—(1) No fire insurer shall issue any fire insurance policy covering on property or interest therein in this state, other than on the form known as the New York standard as revised in 1943, except as follows:

(a) An insurer may print on or in its policy its name, location, date of incorporation, plan of operation, whether stock, mutual, reciprocal or organized under special charter provisions, and if mutual or reciprocal whether on cash premium or assessment plan; and if it be a stock company, the amount of its paid up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued by an agent, the words, "This policy shall not be valid until countersigned by the duly authorized agent of the company at _____"; and, if a mutual or reciprocal insurer, the policy must state the contingent liability, if any, of its policyholders, members, or subscribers for payment of losses and expenses not provided for by its cash funds.

(b) An insurer may print or use in its policies printed forms of description and specifications of the property insured.

(c) An insurer insuring against damage by lightning may print in the clause enumerating the perils insured against the additional words, "also any damage by lightning whether fire ensues or not", and in the clause providing for an apportionment of loss in case of other insurance the words, "whether by fire, lightning or both".

(d) A domestic insurer may print in its policies any provisions which it is authorized or required by the law to insert therein, and any foreign insurer may, with the approval of the commissioner, so print any provision required by its charter or deed of settlement, or by the laws of its own state or country, not contrary to the laws of this state; but the commissioner shall require any provision which, in his opinion modifies the contract of insurance in such a way as to affect the question of loss, to be appended to the policy by an endorsement or rider as hereinafter provided.

(e) The blanks in the standard form may be filled in in print or in writing.

(f) An insurer may print upon policies issued in compliance with the preceding provisions of this section the words, "Idaho standard policy".

(g) An insurer may write upon the margin or across the face of the policy, or write or print in type not smaller than nonpareil upon a slip, slips, rider or riders to be attached thereto, provisions adding to or relating to those contained in the standard form; and all such slips, riders, endorsements and provisions must be signed by the officers or agents of the insurer so using them.

(h) If the policy be made by a mutual, reciprocal or other insurer having special regulations lawfully applicable to its organization, membership, policies or contracts of insurance such regulations shall apply to and form a part of the policy as the same may be written or printed upon, attached or appended thereto.

(i) Every policy shall have legibly inscribed upon its face and filing back suitable words to designate whether the insurer making such insurance be a stock, mutual or reciprocal insurer, provided, that any in-

surer organized under special charter provisions may so indicate upon its policy and may add a statement of the plan under which it operates in this state.

(2) The word "noon" occurring in the policy shall be construed to be the noon or (of) standard time of the place where the property covered by the policy is situated.

(3) An insurer issuing the standard fire policy is authorized to affix thereto or include therein a written statement that the policy does not cover loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under the policy; but nothing herein contained shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination.

(4) The standard fire policy is not mandatory for vehicle insurance, or for marine insurance, or inland marine insurance as the same is defined pursuant to section 41-1401(2), or for insurance on growing crops.

(5) Any policy or contract otherwise subject to the provisions of subsection (1) hereof, which includes either on an unspecified basis as to the coverage or for a single premium coverage against the peril of fire and substantial coverage against other perils need not comply with the provisions of subsection (1) hereof, provided (a) such policy or contract shall afford coverage, with respect to the peril of fire, not less than the coverage afforded by such standard fire policy, (b) the provisions in relation to mortgagee interests and obligations in such standard fire policy shall be incorporated therein without change, (c) such policy or contract is complete as to all of its terms without reference to the standard form of fire insurance policy or any other policy, and (d) the commissioner is satisfied that such policy or contract complies with the provisions hereof. [1961, ch. 330, § 552, p. 645.]

Compiler's note. The word "of" in parentheses in subsection (2) was inserted by the compiler.

Cross ref. County commissioners may insure county property, § 31-814.

School houses and property, trustees to insure, § 33-714, par. 29; independent and joint independent districts, § 33-716.

Steam boilers on vessels carrying passengers for hire, annual inspection by casualty insurance companies, § 39-2402.

Venue of actions against fire insurance companies, § 5-404.

Comp. leg. Ariz. Rev. Stat., §§ 20-1501-20-1509.

Hawaii. Rev. Laws 1955, § 181-420.

Nebr. Rev. Stat. 1943, § 44-501.

Nev. Rev. Stat., §§ 691.040, 691.050.

N. Y. McKinney's Consol. Laws, Insurance Law, § 168.

N. Dak. Cent. Code, § 26-03-40.

Ore. Rev. Stat., § 744.100.

W. Va. Code 1955, §§ 3472(141)-3472(146).

Sec. to sec. ref. This section is referred to in § 41-3119.

DECISIONS UNDER PRIOR LAW

Construction.

Former code § 41-1801 (now repealed) was not intended by legislature to abridge any contractual rights which applicant for fire insurance would have had prior to its enactment, or to confer upon insurance companies any immunity for negligence of their agents in incorrectly reducing insurance contract to writing. *Carroll v. Hartford Fire Ins. Co.*, 28 Idaho 466, 154 Pac. 985.

Right of recovery on fire insurance policy could not be defeated by the insertion of a condition voiding it, if interest of insured be other than unconditional and sole ownership, where agent of insurer had knowledge that insured applied for a policy on his interest as

mortgagee. *Carroll v. Hartford Fire Ins. Co.*, 28 Idaho 466, 154 Pac. 985.

Adoption by reference merely of the law of another state, as in the case of the reference herein to "New York standard" as now or may be hereafter constituted, was anomalous. *Carroll v. Hartford Fire Ins. Co.*, 28 Idaho 466, 154 Pac. 985.

Time of Instituting Action.

Failure to submit proof of loss within time specified in a standard fire insurance policy was not fatal to action on policy. *Southern Idaho Conference Assn. v. Hartford Fire Ins. Co.*, 31 Idaho 130, 169 Pac. 616.