
FORTY-SEVENTH LEGISLATURE.

SENATE.

No. 28.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

AN ACT relating to fire insurance companies existing or doing business in this state.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECTION 1. The word foreign, when used herein, 2 designates companies not incorporated by the legisla- 3 ture of this state. Every person authorized by any 4 foreign fire insurance company to advertise as its 5 agent, or to receive and forward proposals for insur- 6 ance, shall be deemed its agent. Such company, in- 7 suring property by their agent in this state, shall give 8 him instructions in writing, signed and sworn to by the 9 president and secretary thereof, to accept service of all 10 lawful processes against the company ; and shall there-

11 in consent and engage that all such service duly made
12 upon such agent shall be legal, and give to the courts
13 of this state like jurisdiction and have like effect as if
14 the company had existed and been duly served with
15 process in this state ; and a duplicate of this writing,
16 duly certified and authenticated, shall be filed in the
17 office of the register of deeds in the county where such
18 agent resides ; copies thereof, certified by said regis-
19 ter, shall be evidence in the courts of this state. This
20 agency, so far as relates to such service, shall continue
21 while any liability remains outstanding against the
22 company in this state, or until the same power is given
23 to some other person resident in such county, and a
24 duplicate thereof filed as aforesaid, and service upon
25 the agent, shall be deemed sufficient service upon the
26 principal.

SECT. 2. If insurance is made hereafter by the agent
2 of such company, without having received such instruc-
3 tions, and filed such duplicates, the contract shall be
4 valid, but he shall be liable to a fine not exceeding
5 three hundred dollars. Any person who falsely repre-
6 sents himself as the authorized agent of such company,
7 or procures payment on any obligation for the payment
8 of any insurance by false or fraudulent representations,
9 shall be punished by a fine not exceeding one thousand

10 dollars or imprisonment not exceeding six months for
11 each offence.

SECT. 3. Every insurance company existing or doing
2 business in this state shall, in the month of January in
3 each year, transmit to the secretary of state, to be laid
4 by him before the legislature, a statement of its condi-
5 tion as it existed at the time of its exhibit next pre-
6 ceding, showing the amount of capital stock, the
7 amount of said stock actually paid in, and how the
8 same is invested, the amount at risk, the amount of
9 premium notes, the amount of liabilities, and shall
10 cause the same to be published in some paper printed
11 in the county where the company is located. And all
12 foreign insurance companies doing business as aforesaid
13 shall on or before said day transmit a like statement to
14 the secretary of state for the purpose aforesaid, and
15 shall cause the same to be published in some paper
16 printed in each county where such company has an
17 agency or takes risks. Any insurance company which
18 shall fail to publish a statement of its condition as
19 aforesaid, shall be liable to a penalty of one hundred
20 dollars for every such failure or neglect, to be recov-
21 ered in an action of debt, one half to go to the state
22 and one half to the party suing.

SECT. 4. No foreign insurance company making in-
2 surance on property within this state, or belonging to

3 a citizens of this state, shall by any condition, stipu-
4 lation or restriction in its charter, by-laws or contract
5 of insurance, deprive the courts of this state of juris-
6 diction of actions against the company, or limit the
7 time of commencing such actions to a period less than
8 two years from the time the right of action shall
9 accrue.

SECT. 5. An agent authorized by an insurance com-
2 pany, whose name shall be borne on the policy, shall
3 be deemed the agent of said company in all matters of
4 insurance; any notice required to be given to said
5 company or any of its officers by the insured, may be
6 given to such agent; any application for insurance, or
7 valuation, or description of the property, or of the in-
8 terest of the insured therein, if drawn by said agent,
9 shall not be conclusive upon the insured, although
10 signed by him; all acts, proceedings and doings of
11 such agent with the insured, shall be as binding upon
12 the company as if done and performed by the person
13 specially empowered or designated therefor by the
14 contract.

SECT. 6. In case of loss, under a policy against fire,
2 the insured shall notify the company or its agent of
3 the fire, and within a reasonable time afterwards shall
4 deliver to the company, or its agent, as particular an

5 account of the loss and damage as the nature of the
6 case will admit, stating therein his interest in the
7 property, what other insurance, if any, existed there-
8 on, in what manner the building insured, or contain-
9 ing the property insured, was occupied at the time of
10 the fire, and by whom and when and how the fire oc-
11 curred, so far as he knows or believes ; such statement
12 shall be sworn to before some disinterested magistrate,
13 who shall certify that he has examined the circum-
14 stances attending the loss, and has reason to and does
15 believe such statement is true ; the insured shall, if
16 so requested, within ten days after notice of such loss,
17 exhibit to the agent or company his books of accounts,
18 bills of parcels, and any other vouchers in his posses-
19 sion, and shall also, if requested, at the same time
20 submit to an examination, under oath, in the place of
21 his residence ; no other preliminary proof of any kind
22 shall be required before commencing any action against
23 such company. All provisions contained in any policy
24 or contract of insurance, in conflict with any of the
25 provisions of this act, are hereby declared null and
26 void ; and all contracts of insurance hereafter made,
27 renewed or extended in this state, or on property
28 within this state, shall be subject to the provisions of
29 this act.

SECT. 7. In case of partial loss, the full amount of
2 such loss or damage shall be paid by the company
3 unless it exceeds the amount insured, any provision in
4 the policy to the contrary notwithstanding.

SECT. 8. Nothing in this act shall affect any action
2 pending, or existing contract.

SECT. 9. All acts and parts of acts inconsistent with
2 this act are hereby repealed.

SECT. 10. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 15, 1868.

Reported by Mr. LUDDEN, from the Committee on the Judiciary, and printed under Joint Rule.

THOMAS P. CLEAVES, *Secretary.*