

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIFTY-THIRD LEGISLATURE.

SENATE.

No. 51.

STATE OF MAINE.

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

AN ACT to amend sections sixty-three and sixty-four of chapter forty-nine of the revised statutes, relating to foreign insurance companies.

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

Sections sixty-three and sixty four of chapter forty-
2 nine of the revised statutes, is hereby amended, by
3 adding after the word "not" in the seventh line of
4 said section sixty-three, the following words: "In
5 case no agent of such company can be found, such
6 notice or service served on the state insurance commis-
7 sioner, who shall immediately notify said insurance
8 company by mail, shall be valid and binding on said
9 company as if served on their agent."

10 Also by striking out after the word "not" in said

11 seventh line the following words: “ For the purpose
12 of receiving notice of any fact or proceeding, or ser-
13 vice of any process, the agent shall be regarded as
14 still authorized until another is appointed.”

15 Also by adding after the word “agent” in the
16 eleventh line in said section sixty-three, the following
17 words: “ Or the insurance commissioner.”

18 Also by adding after the word “agent” in the
19 fourth line in said section sixty-four, the following
20 words: “ Or on the insurance commissioner as pro-
21 vided in said section sixty-three,” so that said sec-
22 tions, as amended, shall read as follows:

23 *Sect. 63.* Any person having a claim against any
24 foreign insurance company, may bring a suit therefor
25 in the courts in this state, including trustee suits, and
26 service made on any authorized agent of said company,
27 shall be valid and binding on the company, and hold
28 it to answer to such suit; and the judgment rendered
29 therein shall bind the company as a valid judgment in
30 every respect, whether the defendants appear or not.
31 In case no agent of such company can be found, such
32 notice or service served on the state insurance com-
33 missioner, who shall immediately notify said insurance
34 company by mail, shall be valid and binding on the
35 company as though served on their agent. Unless
36 any such judgment is paid within thirty days after de-

37 mand made upon any such agent or the insurance com-
38 missioner by the officer holding the execution, the
39 commissioner may, on notice and hearing of the parties,
40 suspend the power of the company to do business in
41 this state until it is paid ; and if the company or any
42 agent thereof issues any policy in this state during
43 such suspension, said company and agent shall each
44 forfeit not exceeding one hundred dollars. But any
45 policy so issued shall be binding on the company in
46 favor of the holder.

47 *Sect. 64.* All notices and processes which by any
48 law, by-law or provision of any policy, any insured or
49 other person has occasion to give or serve on any such
50 company, may be given to or served on its agent, or
51 on the insurance commissioner, as provided in said
52 section sixty three, with like effect as if given or served
53 on the principal. Such agents and the agents of all
54 domestic companies shall be regarded as in the place
55 of the company in all respects regarding any insur-
56 ance effected by them. The company shall be bound
57 by their knowledge of the risk and of all matters con-
58 nected therewith. Omissions and mis-descriptions
59 known to the agent shall be regarded as known by the
60 company, and waived by it the same as if noted in the
61 policy.

STATE OF MAINE.

IN SENATE, February 20, 1874.

Reported from the Committee on Mercantile Affairs and Insurance, by Mr. ABBOT of Kennebec, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*