

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 421

STATE OF MAINE.

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

AN ACT to define the kinds of insurance that may be trans-
acted in Maine, and establishing rules relating thereto.

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

Section 1. Section 41 of Chapter 49 of the Revised Stat-
utes, as amended by Chapter 119 of the Public Acts of 1905,
is hereby amended by striking out the whole thereof and
inserting in its place the following:

'Sect. 41. Ten or more persons residents of this State
may form an insurance company for the purposes desig-
nated in any one,—or more when so specified in subsequent
provisions of this act,—of the following sub-divisions of
this section, and upon complying with section forty-nine,

10 shall become and remain a corporation with all the powers,
11 rights and privileges and be subject to all the duties, lia-
12 bilities and restrictions set forth in all the general laws
13 relating to insurance corporations.

‘First, To insure upon the stock or mutual plan against
15 loss or damage to property and loss of use and occupancy
16 by fire; explosion, fire ensuing; explosion, no fire ensuing,
17 except explosion of steam boilers and fly-wheels; lightning,
18 or tempest on land, or by all of said causes.

‘Second, To insure upon the stock or mutual plan vessels,
20 freights, goods, money, effects and money lent on bottomry
21 or respondentia, against the perils of the sea and other
22 perils usually insured against by marine insurance, includ-
23 ing risks of inland navigation and transportation; also to
24 insure against loss or damage to motor vehicles, their fit-
25 tings and contents, whether such vehicles are being oper-
26 ated or not, and wherever the same may be, resulting from
27 accident, collision or any of the perils usually insured against
28 by marine insurance, including inland navigation and trans-
29 portation.

‘Third, To guarantee the fidelity of persons in position of
31 trust, private or public, and to act as surety on official bonds
32 and for the performance of other obligations.

‘Fourth, To insure against loss or damage to property of
34 the assured, and loss or damage to the life, person or prop-
35 erty of another for which the assured is liable, caused by
36 the explosion of steam boilers or their connections or by

37 the breakage or rupture of machinery or fly-wheels; and
38 against loss of use and occupancy caused thereby.

'Fifth, To insure any person against bodily injury or death
40 by accident, or against disability on account of sickness, or
41 any person, firm or corporation against loss or damage on
42 account of the bodily injury or death by accident of any
43 person, or against damage caused by automobiles, vehicles
44 or draft animals to property of another, for which loss or
45 damage said person, firm or corporation is responsible, or
46 against accidental damage sustained by automobiles or ve-
47 hicles, or against all of said contingencies.

'Sixth, To insure against a breakage of plate glass, local
49 or in transit.

'Seventh, To insure any goods or premises against loss or
51 damage by water caused by the breakage or leakage of
52 sprinklers, pumps, water pipes, or plumbing and its fix-
53 tures, and against accidental injury from other cause than
54 fire or lightning to such sprinklers, pumps, water pipes,
55 plumbing and fixtures.

'Eighth, To carry on the business commonly known as
57 credit insurance or guaranty, either by agreeing to pur-
58 chase uncollectible debts, or otherwise to insure against loss
59 or damage from the failure of persons indebted to the
60 assured to meet their liabilities.

'Ninth, To examine titles to real and personal property,
62 furnish information relative thereto and insure owners and

63 others interested therein against loss by reason of encum-
64 brances or defective title.

'Tenth, To insure against loss or damage by burglary, theft,
66 or housebreaking.

'No domestic company shall be formed for the purpose of en-
68 gaging in any other kind of insurance business than those
69 kinds specified in section two of this act: or more kinds than
70 are specified in a single sub-division of said section except that
71 a stock company may be formed (1) for any or all of the pur-
72 poses specified in sub-divisions first, second and seventh; or
73 (2) specified in sub-divisions third, fourth fifth, sixth, sev-
74 enth, eighth, ninth and tenth. Insurance contracts issued by
75 such companies, or issued in this State by foreign insurance
76 companies, under each sub-division of section two of this act
77 or under other authority granted by the laws of this State,
78 shall be in separate and distinct policies, notwithstanding any
79 provisions of this act which permits a company to transact
80 business under more than one sub-division of said section.

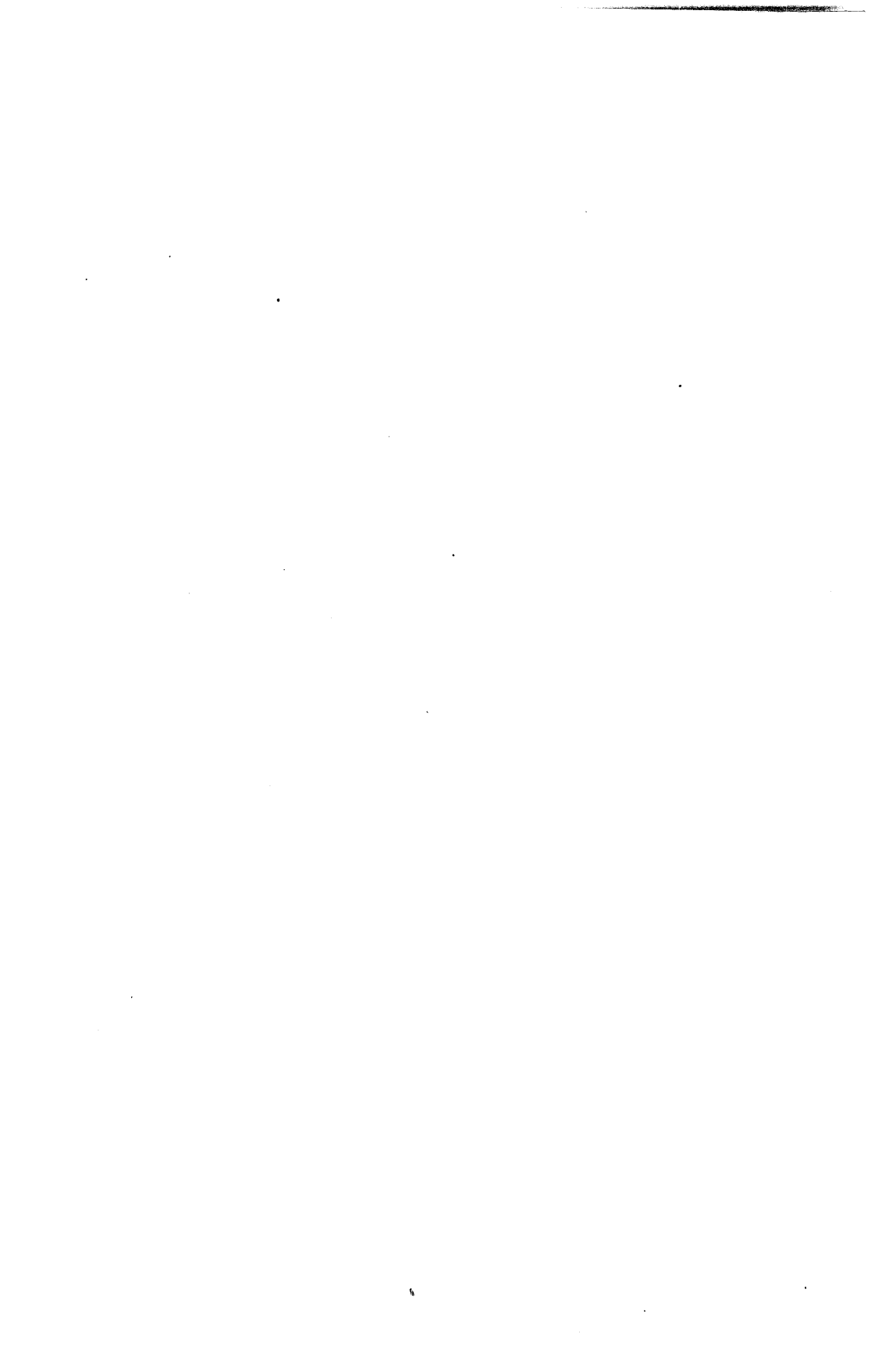
'Stock insurance companies organized in this State shall
82 have a capital paid up in cash, as follows: Under the sec-
83 ond, third, eighth or ninth sub-divisions of section two of
84 this act, not less than three hundred thousand dollars; un-
85 der the fifth sub-division, organized to insure only against
86 the sickness and the bodily injury or death of the insured
87 by accident, and under the sixth sub-division, one hundred
88 thousand dollars; under each of the other sub-divisions,
89 two hundred thousand dollars.

The capital of any domestic stock company transacting
91 two or more of the classes of business permitted by this
92 act to be transacted by the same company shall be not less
93 than the combined amount of capital required for each of
94 said classes by the preceding provisions of this section,
95 except that (1) a company authorized to transact the busi-
96 ness specified in the first or fourth or fifth sub-division of
97 section two of this act may in addition thereto without
98 additional capital be authorized to transact the business
99 specified in sub-division seven of said section; and (2) a
100 company may be authorized to transact the business speci-
101 fied in the first and second sub-divisions of said section
102 on a capital of four hundred thousand dollars; and (3)
103 a company may be authorized to transact the business
104 specified in three or more of the third, fourth, fifth, sixth,
105 seventh or tenth sub-divisions of said section if it has a
106 paid-up capital of not less than that required for the two
107 classes requiring the largest capital of the classes which it
108 purposes to transact and in addition thereto one hundred
109 thousand dollars for each of the other said classes it elects
110 to transact.

Insurance companies now or hereafter authorized to
112 transact any class of business specified in this act may,
113 subject to the limitations herein set forth, be authorized
114 to transact any of the other classes specified herein, except
115 that a foreign insurance company shall not be licensed
116 in this State if such foreign company is (1) anywhere

117 transacting any business not permitted by its charter, or
118 if such foreign company (2) not now admitted to this
119 State is anywhere in the United States doing, or if such
120 foreign company (3) now admitted to this State begins
121 hereafter the transaction of, any class or kind of business
122 which a domestic insurance company is not permitted to do
123 under the laws of this State, or (4) if such foreign company
124 is anywhere doing more or other classes of insurance busi-
125 ness on its paid-up capital than a domestic insurance com-
126 pany is permitted on a like paid-up capital to do in this State.

‘A life insurance company with a capital stock may insure
128 against the death of the insured by accident or against
129 disability on account of accident or sickness, but against
130 no other contingency specified in the fifth or any other
131 sub-division of section two of this act, unless engaged in
132 insuring against such other contingency in this State prior
133 to the first day of January in the year nineteen hundred
134 and nine.’



STATE OF MAINE.

IN SENATE,

March 13, 1909.

Came from the House referred to Committee on Mercantile Affairs and Insurance and on motion by Mr. MACOMBER of Kennebec tabled for printing.

F. G. FARRINGTON, *Secretary.*