

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)

NEW DRAFT.

SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 853

House of Representatives, March 18, 1915.

Reported by Mr. Dutton from Committee on Mercantile Affairs and Insurance, and ordered printed under joint rules.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to regulate the sale of lightning rods.

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

Section 1. No manufacturer, person, firm or corporation
2 shall sell or offer for sale material used for the protection
3 of buildings from damage by lightning until authorized to
4 do so by a license obtained from the insurance commissioner
5 under the provisions of this act.

Sect. 2. No such license shall be issued until the insur-
2 ance commissioner has approved of the material made by
3 such manufacturer for the purpose of protecting, from light-
4 ning, and of the manner and system of installing such ma-

5 terial, nor until such manufacturer has filed a bond with
6 the insurance commissioner in the penal sum of ten thou-
7 sand dollars, with security satisfactory to the insurance
8 commissioner, for the purpose of securing the fulfillment
9 of the guarantee agreement provided for by this act, to-
10 gether with a written stipulation that legal process affect-
11 ing such manufacturer or his agent, served upon the insur-
12 ance commissioner for the time being, shall have the same
13 effect as if personally served upon such manufacturer or
14 his agent within the state. When the insurance commis-
15 sioner is satisfied that the manufacturer has complied with
16 such requirements and is safe and reliable as to assets,
17 business standing and methods, and is entitled to confidence,
18 he shall require to be filed with him a copy of the guaran-
19 tee agreement issued by such manufacturer, and which guar-
20 antee agreement must provide that, in the event of dam-
21 age by lightning to property rodded by said manufacturer
22 or his agent, money for the rodding of said building shall
23 be returned to the owner thereof, or the damage to said
24 building repaired; the form of such guarantee agreement
25 shall be approved by the insurance commissioner before
26 the issuance thereof, and, upon the payment of a fee of
27 twenty dollars, may issue a license to such manufacturer,
28 to continue in force one year from date of issue. The
29 license may be revoked at any time by the insurance com-
30 missioner for good cause, after a hearing.

Sect. 3. Upon written notice from a licensed manufacturer under this act of the appointment of a suitable person to act as its agent in this state, and upon the presentation of a certificate of his good reputation and moral character, 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, issue to him a license as such agent, upon the receipt of a fee of two dollars. Such license shall continue in force one year from date of issue, but may be revoked at any time by the insurance commissioner for good cause, and after a hearing. Such agents shall be residents of the state.

Sect. 4. 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 act 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 this act for acting as such agent without a license.

Sect. 5. Any person not licensed as provided by this act selling or offering for sale such lightning rods or other material, shall be punished by a fine of not over two hundred dollars, or six months imprisonment for each offense, or both. The licenses provided for by this act are good for only one person, firm or corporation, and are not transferable.

Sect. 6. The holder of any guarantee agreement issued
2 under the provisions of this act may bring suit in the name
3 of the insurance commissioner upon the bond provided by
4 this act, and have the same procedure and remedies thereon
5 as in the case of official bonds of county officers. When-
6 ever legal process against such manufacturer is served upon
7 the commissioner, he shall take such action as is provided
8 in the case of the service of legal processes against foreign
9 insurance companies.

Sect. 7. All acts or parts of acts relating to the sale of
2 lightning rods are hereby repealed.