

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SEVENTH LEGISLATURE

SENATE

NO. 406

In Senate, March 19, 1915.

Reported by Senator Herrick from Committee on Mercantile Affairs and Insurance and ordered printed under joint rules.

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT Relating to Taxing of Insurance in Companies Not
Authorized To Do Business in Maine.

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

Section 1 of Chapter 131 of the Public Laws of 1911 as
2 amended by Chapter 114 of the Public Laws of 1913 is
3 hereby amended by adding in the sixth line after the word
4 "insurance," the words 'against loss or damage by fire or
5 lightning' and in the seventh line after the word "risks,"
6 the words 'or property' so that said section as amended
7 shall read as follows:

Section 1. All persons, companies, associations or corporations residing or doing business in this state that enter into any agreements with an insurance company, association, individual, firm, underwriter or Lloyd, not authorized to do business in this state, whereby said person, company, association or corporation shall enter into contracts of insurance against loss or damage by fire or lightning covering risks or property within this state, with said unauthorized association, individual, firm, underwriter or Lloyd, for which there is a premium charged or collected, the said person, company, association, or corporation so insured shall, annually on the first day of December or within ten days thereafter, return to the insurance commissioner of this state a statement under oath for the twelve months preceding on policies or contracts of insurance or indemnity taken by the said person, company, association or corporation. Such statement shall show the amount of insurance and the gross premiums paid to each stock company for insurance during the period covered by such statement, and there may be deducted from the gross premiums any premiums returned to the insured on policies cancelled where such policies have been issued during the term covered by the statement or premiums returned on policies cancelled where such original premiums have been previously taxed under this act; or if the insurance or indemnity is with a mutual company or association or individual or through an attorney for individuals, partnerships or corporations, or firm or Lloyds,

35 such statement shall show the amount of insurance or in-
36 demnity and gross premium or deposit or payment made
37 to secure such insurance or indemnity and from said gross
38 premium or deposit or payment there may be deducted any
39 premiums returned to the insured on policies cancelled
40 where such policies have been issued during the term cov-
41 ered by the statement or premiums returned on policies can-
42 celled where such original premiums have been previously
43 taxed under this act. The Insurance Commissioner shall
44 give notice to each person, company, association or corpora-
45 tion filing such return of the amount of his tax, computed
46 at two and one-half per cent of the gross premium or de-
47 posit or payment made to secure the insurance or indemnity
48 and said tax shall be payable to the state treasurer on or be-
49 fore the thirty-first day of December following.

Section 2 of Chapter 131 of the Public Laws of 1911 as
51 amended by Chapter 114 of the Public Laws of 1913 is
52 hereby amended by adding to said section the following
53 words: 'Any person, company, association or corporation
54 failing or refusing to pay the tax required by section one
55 shall be liable for such tax in an action of debt to be
56 brought in the name of state in the Supreme Judicial Court
57 in any county where such person, company, association or
58 corporation has a residence or place of business. Such ac-
59 tion shall be presocuted by the various county attorneys at
60 the request of the state treasurer, so that said section as
61 amended shall read as follows:

'Sect. 2. Any person, company, association or corporation failing or refusing to make the report required in section one of this act and to furnish all the data and information that may be required by the insurance commissioner to determine the amount due shall be deemed guilty of a misdemeanor and upon conviction be fined not less than one hundred dollars nor more than five hundred dollars for each offense. Any person, company, association or corporation failing or refusing to pay the tax required by section one shall be liable for such tax in an action of debt to be brought in the name of State in the Supreme Judicial Court in any county where such person, company, association or corporation has a residence or place of business. Such action shall be prosecuted by the various county attorneys at the request of the state treasurer.'