

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 1098

S. P. 535

In Senate, April 4, 1941.

Reported by Senator Harvey of York from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Surety Bonds.

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

Sec. 1. R. S., c. 60, § 154, amended. Section 154 of chapter 60 of the revised statutes is hereby amended to read as follows:

‘Sec. 154. Copy of charter and statement of condition to be deposited with commissioner, before license is issued. Every such company, before transacting any business as aforesaid, shall deposit with the insurance commissioner a copy of its charter, and also a statement, signed and sworn to by the president and secretary of the company, stating the amount of its capital and the manner of its investments, designating the amount invested in mortgages, in public securities, in the stock of incorporated companies, stating what companies, and also the amount invested in other securities, particularizing each item of investment, the amount of existing policies issued by said company, or of existing bonds upon which such company is surety, stating what portion thereof is secured by the deposit with such company of collateral security, the amount of premium thereon, and the amount of liabilities, specifying therein the amount of outstanding claims adjusted or unadjusted, due or not due, **and stating the names and addresses of all its attorneys-in-fact within the state of Maine together with the scope of authority of each such attorney-in-fact;** and thereupon said

commissioner may grant a license, authorizing said company to transact surety business or the business of credit insurance or title insurance in this state subject to its laws, until the 1st day of July next following, and such license may be renewed annually thereafter.'

Sec. 2. R. S., c. 60, § 162, amended. Section 162 of chapter 60 of the revised statutes is hereby amended to read as follows:

'Sec. 162. Insurance commissioner to notify registers of probate of authorization of surety companies. Whenever any foreign or domestic surety company complies with all the requirements of law regulating the admission of such companies to transact business in this state and is authorized to transact business therein, the insurance commissioner shall forthwith transmit to each register of probate the name of such company and the names of all agents of such company who have been licensed by him, their places of residence and the dates when their licenses will expire, **and the names and addresses of all attorneys-in-fact registered with him whose address is in the county of such register**; and he shall on the 1st days of February and August of each year forward to each register of probate a list containing the names of all surety companies, foreign and domestic, which are then licensed or qualified to transact business in the state, the names of all agents of said companies, who have been licensed by him, and their places of residence, and the dates when their respective licenses will expire; he shall from time to time communicate to the registers of probate the names of all surety companies which cease to qualify to transact business in this state. The registers shall preserve such lists on the files of the courts.'

Sec. 3. R. S., c. 60, § 163, amended. Section 163 of chapter 60 of the revised statutes is hereby amended to read as follows:

'Sec. 163. Company estopped to deny corporate power. Any company which shall execute any bond as surety under the provisions of section 160 shall be estopped in any proceedings to enforce the liability which it shall have assumed to incur, to deny its corporate power, or the authority of ~~any licensed agent~~ **its attorney-in-fact within the scope of his power of attorney filed in accordance with section 154**, to execute such instrument or assume such liability, **or the authority of any licensed agent to countersign such instrument.'**