

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## FORTY-SEVENTH LEGISLATURE

OF THE

## STATE OF MAINE.

1868.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 26, 1840, and March 16, 1842.

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AUGUSTA:  
OWEN & NASH, PRINTERS TO THE STATE.  
1868.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1868.

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'expended, or such portion thereof as the governor and council  
'may adjudge to have been judiciously expended.'

CHAP. 220.

SECT. 2. This act shall take effect when approved.

Approved March 7, 1868.

### Chapter 220.

An act providing for the appointment of a bank and insurance examiner, and defining his duties.

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

SECT. 1. Instead of two bank commissioners, as now provided by law, there shall be appointed an examiner of banks and insurance companies, who, during his continuance in office, shall not hold any office in any bank or insurance company in the state, and who shall have all the powers and be subject to all the duties of said bank commissioners. He shall be appointed by the governor, with the advice and consent of the council, and shall hold his office for three years, subject to removal at any time, by the appointing power. He shall be paid his actual travelling expenses, and four dollars per day for every day employed in his official duties, not, however, in the whole to exceed six hundred dollars in any year; and the governor and council shall audit his account, and draw their warrant on the treasurer for the amount found due.

Examiner of banks and insurance companies, appointment and duties.

Compensation.

SECT. 2. Said examiner, in addition to his said powers of the bank commissioners as aforesaid, shall make an annual examination of each insurance company in the state, and shall also make an additional examination of any company, at such time as the governor and council may direct, or whenever requested in writing by five or more persons, each of whom shall be a stockholder or creditor, or otherwise pecuniarily interested therein. Said examiner shall at all times have free access to the books and papers of every such insurance company, and shall thoroughly inspect and examine all its affairs, and make all necessary inquiries he may deem necessary to ascertain its condition and ability to fulfil its engagements, and whether it has complied with all the provisions of law applicable to its transactions.

Annual examination of insurance companies required. Special examinations.

SECT. 3. He may at any time require the agents of any insurance company located out of the state to exhibit the books kept by them relating to such agencies, and to make answer in writing or otherwise, and under oath, to all reasonable questions proposed by said examiner, in order to elicit a full statement of the business done for the company represented by such agent; and any agent refusing or neglecting to answer within a reasonable time such interrogatories, shall be prohibited from any longer acting as an

Agents of foreign insurance companies required to exhibit their books to such examiner, and penalty for refusing.

CHAP. 220. insurance agent ; and if he shall knowingly procure payment, or any obligation for the payment of any premium for insurance by fraudulent representations, he shall for each offence be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year.

Directors, officers and agents of insurance companies may be examined by such examiner.

SECT. 4. Said examiner may summon and examine on oath, which he may administer, the directors, officers and agents of any insurance company, and such other persons as he may think proper, in relation to the affairs, transactions and condition of such company ; and whoever, without justifiable cause, refuses to testify when so required, or who obstructs the examiner in the discharge of his official duty, shall for each offence be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

Examiner may apply for injunction against insolvent companies; proceedings.

SECT. 5. If upon examination the said examiner is of opinion that a company is insolvent, or that its condition is such as to render its further proceedings hazardous to the public, or those holding its policies, he shall apply to a justice of the supreme judicial court to issue an injunction restraining said company, in whole or in part, from further proceedings with its business until a full hearing can be had. Such justice shall forthwith issue the injunction, and after full hearing of all parties interested, may dissolve or modify the same, or make it perpetual. And he may make such orders and decrees as may be needful to suspend, restrain or prohibit the further continuance of the business of the company ; and may appoint agents or receivers to take possession of the property and effects of the company, subject to such rules and orders as are from time to time, according to proceedings in equity, presented by the court, or a justice thereof in vacation.

Forms for-making of returns by insurance companies to be prepared by examiner.

SECT. 6. He shall prepare suitable forms for the returns required to be made by insurance companies and agents, subject to the approval of the governor and council, and shall annually, in the month of September, furnish to each insurance company in the state, and to the agents known to him of insurance companies out of the state but doing business in this state, two or more printed copies of the forms of returns to be made by them.

Secretary of state and attorney general to be notified of violation of law by insurance companies.

SECT. 7. When, in his opinion, an insurance company, its officers or agents, have violated any law of the state relative to such company, he shall forthwith report the facts with such statements and remarks as he may deem expedient, to the secretary of state, and he shall give notice of the same to the attorney general, who shall at once prosecute said company, officer or agent thereof.

Record of examination to be kept.

SECT. 8. He shall keep and preserve in a permanent form a proper record of the proceedings of each of said companies, including a concise statement of the condition of every company visited or examined by him.

SECT. 9. He shall annually, at the earliest practicable date after the returns are received from the several insurance companies and agents, make report to the legislature of the general conduct and condition of the several insurance companies in this state, and also as far as he may be able, of companies located out of the state and doing business therein, with such suggestions as he may deem expedient, and in connection therewith shall prepare an abstract of all the returns and statements made to him by insurance companies and agents as aforesaid. Such report shall be printed on or before the first Wednesday of January, annually.

CHAP. 221.  
Examiner to make annual report to the legislature.

SECT. 10. Any provision of law requiring the appointment of two bank commissioners, is hereby repealed.

Approved March 7, 1868.

### Chapter 221.

An act to increase the efficiency of the state supervision of common schools.

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

SECT. 1. The governor and council shall appoint a state superintendent of common schools, who shall be duly sworn and continue in office three years, or during the pleasure of the executive ; and when a vacancy occurs, a new appointment shall be made for a like term.

State superintendent of common schools, appointment and term of office.

SECT. 2. An office shall be provided for the state superintendent at the seat of government, where he shall preserve all school reports of this state and of other states which may be sent to his office, the returns of the superintending school committees of the various towns, and such books, apparatus, maps, charts, works on education, plans for school buildings, models, and other articles of interest to school officers and teachers as may be procured without expense to the state.

To have an office at the capital.

#### *Duties of State Superintendent.*

SECT. 3. The duties of the state superintendent shall be as follows :

Duties of superintendent.

*First*—To exercise a general supervision of all the public schools of the state, and to advise and direct the town committees in the discharge of their duties, by circular letters and personal conference, devoting all his time to the duties of his office.

To exercise general supervision of public schools in the state.

*Second*—To obtain information as to the school systems of other states and countries, and the condition and progress of common school education throughout the world ; to disseminate this information, together with such practical hints upon the conduct of

To obtain and disseminate information relating to school systems, &c.