

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

331

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1873.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1873.

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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1873.

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**CHAP. 148.** warden shall receive from the person requiring it the sum of two dollars.

Port wardens,  
fees of office.

SECT. 10. Port wardens shall be allowed fees to be paid by the person requesting their services as follows: For survey of hatches, two dollars; for each survey of cargo on shipboard, one dollar; for certificate of stowage of cargo, two dollars; for each subsequent certificate, one dollar; for each survey to ascertain extent of damage, two dollars; and for each certificate thereof, two dollars; for each survey required by section seven, four dollars; for each certificate thereof, two dollars; for each survey as required by section eight, for each person on the survey, two dollars; for each certificate thereof, two dollars.

—jurisdiction of.

SECT. 11. Port wardens shall have in the cities and towns for which they are appointed exclusive jurisdiction in all matters pertaining to their duties, as specified in the provisions of this act; and any person not a port warden who shall perform or attempt to perform any of the duties specified in this act as the duties of a port warden, in any city or town wherein there is a port warden, shall forfeit and pay for each offense the sum of one hundred dollars, to be recovered in an action of debt in any court having jurisdiction thereof by any person suing for the same.

Penalty for  
performing duties  
of port warden  
without authority

SECT. 12. Port wardens elected or appointed for the current year previous to the passage of this act, may retain their offices under it subject to the provisions thereof the same as if elected or appointed under it.

Port wardens  
appointed for the  
current year may  
retain their  
offices.

SECT. 13. The word "appoint" where it occurs in this act shall be construed to mean 'elect.'

SECT. 14. This act shall take effect when approved.

Approved February 26, 1873.

## Chapter 148.

An act additional to chapter forty-nine of the revised statutes, respecting insurance and insurance companies.

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

SECT. 1. Whenever, after setting aside a sum equal to the full amount of premiums on outstanding marine risks, together with one half of all premiums on existing fire and inland risks, the net assets of any insurance company with a specific capital, do not amount to more than three fourths of its capital stock, the company shall by assessing the stock, restore its capital to the legal amount. Shares on which such assessment is not paid within

Capital stock  
shall be restored  
by assessment to  
the legal amount.

sixty days after demand upon the owner thereof shall be forfeited, and ordered by a vote of the directors to be sold at public auction, seven days' notice of the sale thereof shall be given in some daily or weekly paper published in the place where such company is located; the proceeds of sale, after deducting expenses and the assessments due on such shares, shall be paid to the owner or his representative; *provided*, that whenever the capital stock of any insurance company shall be impaired as aforesaid, such company may by a majority vote of the stock, at a meeting of the stockholders legally called, reduce its capital, by cancelling its shares pro rata to the number thereof, or may reduce the par value of its shares, or such company may thus reduce its capital stock and also assess as hereinbefore provided; but no such company shall reduce its capital stock as aforesaid more than twenty per cent. thereof nor to a sum less than one hundred thousand dollars.

SECT. 2. Any insurance company incorporated in this state, having a specific capital, which does not within three months after receiving notice from the insurance commissioner that its capital is thus impaired, satisfy him that it has fully complied with the provisions of this act relating thereto, shall be proceeded against according to the provisions of the forty-eighth section of the act to which this is additional.

SECT. 3. Whenever, after setting aside a sum equal to that required by the previous sections, the cash assets of any foreign insurance company having a specific capital, doing business in this state, do not amount to more than three fourths of its legal capital, the company shall, by assessing its stock for the difference, or in some other way, repair its capital to its legal amount, and unless it do so within three months after notice from the insurance commissioner, shall no longer be permitted to do business in this state, and the commissioner shall thereupon proceed as provided in sections fifty-two and fifty-three of said chapter of the revised statutes, if in his opinion such proceeding is necessary.

SECT. 4. Section sixty-two of said chapter is amended so as to read as follows:

'SECT. 62. No foreign insurance company shall be admitted to do business in this state unless it have a bona fide, paid up, unimpaired capital, if a stock company, of at least one hundred thousand dollars, well invested in or secured by real estate, bonds, stock, or securities other than names alone, or if a mutual company, cash assets to the amount aforesaid. And no stipulations or conditions shall deprive the courts of this state of jurisdiction of actions against such companies, nor limit the time of commencing them to a period of less than two years from the time the cause of action accrues.'

## CHAP. 148.

Shares shall be sold for non-payment of assessments.

Notice of sale.

Proceeds of sale.

Proviso.

Capital stock may be reduced.

Insurance companies, proceedings against, for non-compliance with provisions of this act.

Foreign insurance companies required to restore its capital to the legal amount.

—proceedings in case of neglect.

—capital required.

## CHAP. 148.

Capital of insurance companies, how invested.

SECT. 5. Section seven is amended so as to read as follows:

'SECT. 7. The capital and other assets of insurance companies incorporated in this state, except such as may be needed for immediate use, shall be invested in the funded debt or bonds of the United States, or any of the New England States, or in the bonds or securities of county, city or other municipal corporations of said New England States, or in the purchase of real estate in fee, or loans on mortgage of real estate, or deposit in savings banks in said states, or in the bonds or stocks of incorporated companies of said states of an undoubted character for credit, insurance company stock or bonds excepted, and in no case shall any such funds be loaned on the security of names alone.'

Assignee of policy may sue in his own name.

SECT. 6. The assignee of any policy, the assignment of which has been assented to by the company or its agent, may sue the company on the policy in his own name, and all sums due on such policy may be recovered in such suit, subject to any defence existing against the original party, the assignee so suing to hold the judgment or its proceeds subject to the claims and equities of any other parties who may be interested therein.

Insurance commissioner may examine insurance companies out of the state doing business in this state.

SECT. 7. It shall be the duty of the insurance commissioner, whenever he deems it necessary for the protection of policy holders in this state, to visit and examine any insurance company not incorporated in this state and doing business by agencies therein. He may employ such assistants as are necessary in making the examination; all necessary expenses for such examination without the state, shall be borne by the company so examined; *provided*, that in relation to the affairs of any company incorporated by or organized under the laws of any state of the United States, it shall be optional with the said commissioner to accept the certificate of the insurance commissioner or superintendent of the state, under the laws of which the said company was organized, as to its standing and condition, or to proceed to investigate its affairs as hereinbefore provided.

—may employ assistants.

Proviso.

—may examine books, papers and officers of any insurance company doing business in this state.

SECT. 8. For the purposes aforesaid the commissioner, or any person whom he may empower, shall have free access to all the books and papers of any insurance company doing business in this state, and may examine under oath its officers or agents relative to its business and condition. If any such company, its officers or agents, refuse to submit to such examination, or to comply with any provisions of this act in relation thereto, the authority of such company to do business in this state shall be revoked until such time as satisfactory proof is furnished to the commissioner that the company is in a sound and solvent condition.

Compensation for services.

SECT. 9. The governor and council may allow such reasonable compensation for services rendered and expenses incurred in

enforcing the laws relating to insurance companies as they deem **CHAP. 149.**  
proper.

SECT. 10. Receivers appointed for any insurance company of this state, as provided in said chapter forty-nine, shall have the same power and rights of action, and the course of proceeding so far as applicable shall be the same, as prescribed for receivers of banks in the forty-seventh chapter of the revised statutes. Receivers, powers and rights of.

SECT. 11. This act shall take effect when approved.

Approved February 27, 1873.

### Chapter 149.

An act to provide for free vaccination and re-vaccination in towns and cities.

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

That section thirty-five, chapter fourteen of the revised statutes, be amended so as to read as follows :

'SECT. 35. The mayor and aldermen of any city, and the selectmen of any town or plantation, shall annually, on the first of March, in each year, or oftener as they may deem prudent, provide for the free vaccination with the cow pox, of all the inhabitants over two years of age, within their respective localities, the same to be done under the care of skilled practising physicians, and under such circumstances and restrictions as the said authorities may adopt for the effectual vaccination of said inhabitants.' Free vaccination.

Approved February 27, 1873.

### Chapter 150.

An act amendatory of chapter sixty-three of the public laws of eighteen hundred and seventy-two, and of chapter twenty-seven of the revised statutes relating to intoxicating liquors.

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

SECT. 1. Sections two and three of chapter sixty-three of the public laws of eighteen hundred and seventy-two, are hereby repealed. Acts repealed. And section twenty-five of chapter twenty-seven of the revised statutes is hereby revived.

Approved February 27, 1873.