

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1875.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1875.

CHAP. 20.

Errors in assessment, how corrected.

or mistake, or omission shall occur, whereby the tax assessed under said sections is less than the just sum, the governor and council may, within one year aforesaid, and after notice to the corporation assessed, and a hearing, or in default of an appearance by said corporation at the time and place appointed for a hearing, by a supplementary assessment correct said error or mistake, or supply said omission; and the tax thus assessed shall be paid at such time as the governor and council may direct; and all remedies provided by law to enforce the payment of the original tax shall apply to the collection of the supplementary tax.

Approved February 19, 1876.

Chapter 20.

An act relating to mutual fire insurance companies.

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

Assessments, when made, may be examined by the court, on application of parties interested.

SECT. 1. Whenever the directors of any mutual fire insurance company, or any mutual marine insurance company, shall make an assessment, or call on its members for money, or shall by vote determine that there exists a necessity for such assessment or call, they, or any person interested in the company as an officer, policyholder, or creditor, may apply to the supreme judicial court for any county, by a petition in the nature of a bill in equity, praying the court to examine said assessment or call, or to determine the necessity therefor, and all matters connected therewith, and to ratify, amend or annul the assessment or call, or to order that the same be made as law and justice may require; *provided*, such application, when made by any party except the corporation, or a receiver, or the insurance commissioner, shall rest in the discretion of the court. And whenever the directors shall unreasonably neglect to make an assessment or call, to satisfy an admitted or ascertained claim upon the company, any judgment creditor, or any person holding such admitted or ascertained claim, or the insurance commissioner, may make the application to the court. Upon such application, if made by the directors, or upon order of court, if made by application of any other party, the directors shall set forth the claims against the company, its assets, and all other facts and particulars appertaining to the matter.

Claims, how adjusted, when directors neglect to make assessments.

SECT. 2. The court before which such petition is filed, shall order notice to be given to all parties interested, by publication or otherwise, and the petition may be filed in vacation, in which case the order of notice may be made by any justice of the court;

Order of notice to parties interested.

CHAP. 20.

and upon the return thereof, the court shall proceed to examine the assessment or call, or the necessity therefor, and all matters connected therewith; and any parties interested may appear and be heard thereon, and all questions that may arise shall be heard and determined as in other equity cases. The court may refer the apportionment or calculation to any competent person, and upon the examination may ratify, amend or annul the assessment or call, or order one to be made. In case the assessment or call is altered or amended, or one is ordered to be made, the directors shall forthwith proceed to vote the same in legal form, and the record of such vote shall be set forth in a supplemental bill or answer.

Court may examine and determine the case.

—may refer apportionment.

Assessments altered or amended, proceedings in case of.

SECT. 3. Whenever the court shall appoint a master or auditor to make the apportionment or calculation for an assessment under the provisions of this act, such master or auditor shall appoint a time and place to hear all parties interested in the assessment or call, and shall give personal notice thereof, in writing, to the insurance commissioner, and through the post office, or in such other manner as the court shall direct, so far as he may be able, to all persons liable upon said assessment or call. And said auditor or master shall hear the parties, and make report to the court of all his doings respecting such assessment or call, and all matters connected therewith, and all parties interested in such report or assessment shall have the right to be heard by the court, respecting the same, in the same manner as is above provided.

Time and place for hearing of parties, appointment of.

Auditor shall hear parties and report to the court.

Right of parties to be heard.

SECT. 4. When an assessment or call has been, as above provided, ratified, ascertained, or established, a decree shall be entered which shall be final and conclusive upon the company and all parties liable to the assessment or call as to the necessity of the same, the authority of the company to make or collect the same, the amount thereof, and all formalities connected therewith. And where an assessment or call hereafter made shall be altered or amended by vote of directors and decree of the court thereon, such amended or altered assessment or call shall be binding upon all parties who would have been liable under it as originally made, and in all legal proceedings shall be held to be such original assessment or call. All proceedings above provided for shall be at the cost of the company, unless the court for cause otherwise order; and in all cases the court may control the disposition of the funds collected under these proceedings, and may issue all necessary processes to enforce the payment of such assessments against all persons liable therefor.

Assessment, when final.

—amended, made final.

Cost, how paid.

Control of funds and payment of assessments, how enforced.

SECT. 5. Whenever it shall appear to the presiding judge of the court before which such petition is pending, that the net proceeds of any assessment or call will not be sufficient to furnish

Assessment not sufficient, collection may be stayed.

CHAP. 21. substantial relief to those having claims against the company, said judge may decree that no assessment shall be collected; and when, upon the application of the insurance commissioner, or any person interested, said judge shall be of opinion that further attempts to collect any assessment then partially collected will not benefit those having claims against the company, he may stay the further collection of said assessment.

SECT. 6. This act shall take effect when approved.

Approved February 22, 1875.

Chapter 21.

An act to amend section four of chapter two hundred and three of the public laws of eighteen hundred and seventy-four, providing pensions for disabled soldiers and seamen.

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

Sec. 4, ch. 203,
public laws 1874,
amended.

SECT. 1. Section four of chapter two hundred and three of the public laws of eighteen hundred and seventy-four, is hereby amended, so as to read as follows:

Soldiers not to
be considered
paupers.

‘SECT. 4. No soldier who has served by enlistment in the army or navy of the United States, in the war of eighteen hundred and sixty-one, and in consequence of injury sustained in said service, may become dependent upon any city or town in this state, shall be considered a pauper, or subject to disfranchisement for that cause.’

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

Approved February 22, 1875.

Chapter 22.

An act to amend section three of chapter one hundred and ninety-eight of public laws of eighteen hundred and seventy-four, relating to disclosures of poor debtors.

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

Sec. 3, ch. 198,
public laws 1874,
amended.

SECT. 1. Section three of chapter one hundred and ninety-eight of public laws of eighteen hundred and seventy-four, is hereby amended by inserting after the word “state,” in the fifth line, the words ‘except such island is connected with the main land by a bridge or bridges,’ so that the same as amended shall read as follows: