

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1887.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1887.

Chapter 108.

An Act relating to Wills lost, suppressed, concealed or carried out of the State.

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

Section seven of chapter sixty-four of the revised statutes, is hereby amended by adding thereto the following words: 'And when such original will is produced for probate, the time during which it has been lost, suppressed, concealed or carried out of the state, shall not be taken as a part of the limitation provided in the first section of this chapter,' so that said section as amended, shall read as follows:

'SECT. 7. When the last will of any deceased person, who had his domicile in the state at the time of his death, is lost, destroyed, suppressed, or carried out of the state, and cannot be obtained after reasonable diligence, its execution and contents may be proved by a copy, and by the testimony of the subscribing witnesses thereto, or by any other evidence competent to prove the execution and contents of a will, and upon proof of the continued existence of such lost will, unrevoked up to the time of the testator's death, letters testamentary shall be granted as on the last will of the deceased, the same as if the original had been produced and proved. And when such original will is produced for probate, the time during which it has been lost, suppressed, concealed or carried out of the state, shall not be taken as a part of the limitation provided in the first section of this chapter.'

Sec. 7, ch. 64,
R. S., amended.

Wills lost or
carried out of
the state, how
to be proved.

—time during
which will is
lost, shall not be
taken as part of
statute limita-
tion.

Approved March 12, 1887.

Chapter 109.

An Act to amend sections seventy-three, seventy-four, eighty-four and eighty-seven or chapter forty-nine of the Revised Statutes, relating to Insurance.

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

SECT. 1. Section seventy-three of chapter forty-nine of the revised statutes, is hereby amended so that said section as amended, shall read as follows :

'SECT. 73. No person shall act as agent of an insurance company until there has been filed with the commissioner a

Sec. 73, ch. 49,
R. S., amended.

No one shall act
as agent of an
insurance com-
pany, without
filing his power

CHAP. 109

of attorney with the commissioner, and receiving a license.

duplicate power of attorney from the company, or its authorized agent, empowering him to act, or a certificate from the company setting forth that such person has been duly appointed and authorized as agent thereof. Upon filing such power or certificate the commissioner shall issue a license to him, if the company is a domestic company or has received a license to do an insurance business in this state; and such license shall continue until the first day of the next July, and may be renewed from year to year on producing a certificate from the company that his agency is continued. For each such license or renewal, the commissioner shall receive one dollar. And if any person solicits, receives, or forwards any risk or application for insurance to any company, without first receiving such license, or fraudulently assumes to be an agent, and thus procures risks and receives money for premiums, he shall be punished by a fine not exceeding fifty dollars or imprisonment not exceeding sixty days for each offence, but any policy issued on such application binds the company if otherwise valid. Agents of duly authorized insurance companies may place risks with agents of other duly authorized companies when necessary for the adequate insurance of property.'

--fees of commissioner.

--policy issued without license, valid.

--penalty.

--authorized agents may place risks with agents of other authorized companies.

Sec. 74, R. S., amended.

SECT. 2. Section seventy-four of chapter forty-nine of the revised statutes, is hereby amended so that said section as amended, shall read as follows :

Commissioner may license insurance brokers.

'SECT. 74. Any person may be licensed by the commissioner as a broker to negotiate contracts of insurance, and to effect insurance for others than himself for a compensation, and by virtue of such license he may place risks or effect insurance with any company of this state, or with the agents of any foreign company who have been licensed to do business in this state, but with no other. For such license he shall pay five dollars, authorizing him thus to act until the first day of the next July; and on the payment of a similar fee, his license may be renewed from year to year, ending on the first day of each July. Whoever, without such license, assumes to act as such broker, shall be punished by a fine not exceeding fifty dollars, or by imprisonment not more than sixty days for each offence, and licenses of insurance agents and brokers may be revoked by the commissioner upon conviction for the violation of any of the provisions of this and the preceding section.'

--fees.

--penalty for acting without license.

SECT. 3. Section eighty-four of chapter forty-nine of the revised statutes is hereby amended, so that said section as amended, shall read as follows :

Sec. 84,
amended.

'SECT. 84. Penalties provided by this chapter may be recovered in an action of debt in the name and to the use of the state, or enforced by indictment. The county attorney for the county where the penalties are incurred shall prosecute therefor at the direction of the insurance commissioner, or may prosecute therefor on complaint made to him by any citizen, and he shall be entitled to taxable costs in the enforcement of this statute.'

Fines, how
recovered.

SECT. 4. Section eighty-seven of chapter forty-nine of the revised statutes is hereby amended, so that said section as amended, shall read as follows :

Sec. 87,
amended.

'SECT. 87. No foreign fire or marine insurance company shall be admitted to do business in the state unless it has a bona fide, paid up, unimpaired capital, if a stock company, of at least two hundred thousand dollars, well invested in or secured by real estate, bonds, stock or securities other than names alone, or if a mutual company net cash assets to the amount aforesaid; and no foreign life, casualty, health or live stock insurance company shall be so admitted unless it has 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, net 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 when the cause of action accrues; provided, that this section does not apply to any foreign company admitted before March twenty-six, eighteen hundred and seventy-five.'

Foreign fire and
marine com-
panies forbidden
to do business
in this state,
with capital less
than two hundred
thousand
dollars.

—foreign life,
casualty, health
or live stock
insurance com-
panies, capital
required.

—jurisdiction of
state courts.

—proviso.

Approved March 12, 1887.