

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

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AUGUSTA:  
SPRAGUE & SON, PRINTERS TO THE STATE.  
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PUBLIC LAWS  
OF THE  
STATE OF MAINE.

1889.

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## Chapter 234.

An Act relating to Fraternal Beneficiary Organizations.

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

Seven or more persons may organize beneficiary corporations.

SECT. 1. Seven or more persons, residents of the state, desiring to form a fraternal beneficiary corporation for the purposes hereinafter provided, and having signed an agreement therefor, declaring therein the purposes of such corporation, may organize as such in the manner provided in sections one, two and three of chapter fifty-five of the Revised Statutes, and such corporation shall have all the powers, privileges and immunities, and be subject to all the liabilities named in said section three.

Certificate of agreement and declaration of purpose to be subscribed and sworn to.

SECT. 2. The presiding officer, treasurer and a majority of the directors or other officers, shall forthwith make, sign and swear to a certificate setting forth a true copy of the agreement and declaration of purpose of the association, with the names of the subscribers thereto, the date of the first meeting, and the successive adjournments, if any, and shall submit such certificate and the records of the corporation to the insurance commissioner, who shall make such examination and require such evidence as he deems necessary; and if it appears that the purposes of the corporation conform to law, he shall certify his approval thereof, and the certificate shall then be filed by said officers in the office of the secretary of state, who, upon payment of a fee of five dollars, shall cause the same with the endorsements, to be recorded, and shall thereupon issue a certificate in the following form :

—to be approved by commissioner and filed and recorded in the office of Secretary of State.

## STATE OF MAINE.

—form of certificate of organization.

Be it known that whereas (here the names of the subscribers to the agreement of association shall be inserted) have associated themselves with the intention of forming a corporation under the name of (here the name of the corporation shall be inserted) for the purpose (here the purpose declared in the agreement of association shall be inserted) and have complied with the provisions of the statutes of this state in such case made and provided, as appears from the certificate of the officers of the corporation, duly approved by the insurance commissioner and recorded in this office; now therefore, I (here the name of the secretary shall be

inserted,) secretary of state of Maine, do hereby certify that said (here the names of the subscribers to the agreement of association shall be inserted,) their associates and successors, are legally organized and established as and are hereby made an existing corporation under the name of (here the name of the corporation shall be inserted,) with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto.

Witness my official signature hereunto subscribed, and the seal of the state of Maine hereunto affixed, this            day of            in the year            (In these blanks the day, month and year of execution of the certificate shall be inserted.)

The secretary shall sign the name and cause the seal of the state to be thereto affixed, and such certificate shall be conclusive evidence of the existence of such corporation at the date of such certificate. He shall cause a record of such certificate to be made.

—certificate to be recorded.

SECT. 3. Any corporation duly organized as aforesaid, and which does not employ paid agents in soliciting or procuring business, other than in the preliminary organization of local branches, and which conducts its business as a fraternal society on the lodge system, or limits its certificate holders to a particular order, class or fraternity, or to the employes of a particular town or city, designated firm, business house or corporation, may provide in its by-laws for the payment, from time to time, of a fixed sum by each member, and from this income may make weekly or other payments to any member during a period of disability of such member. Such corporation may also provide in its by-laws for the payment, from time to time, of a fixed sum by each member to be paid to the beneficiaries of deceased members, in such amount and manner as shall be fixed by said by-laws and written in the benefit certificate issued to such member, and payable to the husband, wife, children, relatives of, or persons dependent upon such member; but no contract under this act shall be valid or legal which shall be conditional upon an agreement or understanding that the beneficiary shall pay the dues and assessments, or either of them, for said member. Any such corporation now organized under the laws of this state, which limits its certificate holders to a particular order, class or fraternity, may employ paid agents in soliciting business. But no person shall act as such an agent until he has first been

May provide for payment of dues and disability losses.

—for death losses.

—beneficiary shall not be required to pay dues of deceased member.

—paid agents may be employed.

—shall first be licensed.

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licensed therefor by the insurance commissioner in accordance with the provisions of section seventy-three, chapter forty-nine of the Revised Statutes, and any persons violating this provision shall, upon conviction, be punished as provided in said section seventy-three. For such license the commissioner shall receive one dollar.

--penalty.

--fee of commissioner.

Reserve fund.

SECT. 4. Any such corporation may hold at any one time, as a death fund belonging to the beneficiaries of anticipated deceased members, an amount not exceeding one assessment from a general or unlimited membership, or an amount not exceeding in the aggregate, one assessment from each limited class or division of its members; provided, that nothing in this section shall be held to restrict such fund to less than twenty-five thousand dollars.

Shall not transfer membership to organizations not authorized to do business.

SECT. 5. No such corporation shall re-insure with or transfer its membership certificates or funds to any organization not authorized to do business in this state.

Foreign corporations doing business in this state may continue without incorporating.

SECT. 6. Fraternal beneficiary corporations, associations or societies organized under the laws of another state, now transacting business in this state as herein defined, and which now report or which shall report when requested to the insurance department, may continue such business without incorporating under this act. Fraternal beneficiary corporations, associations or societies, not now transacting business in this state, which may hereafter desire to do so, shall first obtain license therefor from the insurance commissioner. Such a corporation, association or society shall furnish the commissioner with a certified copy of its charter and by-laws, with a statement under oath, showing its membership and financial condition, and shall also furnish the commissioner with such other information as he shall deem necessary to a proper exhibit of its business and standing and plan of working, and if he deems it expedient, he may license such corporation, association or society to do business in this state in accordance with the provisions of this act. For such license he may receive a fee of twenty dollars.

--corporations desiring to do business must first obtain license.

--must file copy of charter and by-laws with commissioner.

--fee for license.

Shall report annually to commissioner.

SECT. 7. Every corporation, association or society doing business as herein defined shall annually, on or before the first day of April, report to the insurance commissioner the names and addresses of its president, secretary and treasurer, or other officers answering thereto, and shall make such further statements of its membership and financial trans-

actions for the year ending on the preceding thirty-first day of December, with other information relating thereto, as said commissioner may deem necessary to a proper exhibit of its business and standing; and the commissioner may at other times require any further statement he may deem necessary to be made relating to such corporation.

SECT. 8. Any person who shall solicit membership for, or in any manner assist in procuring membership in any such corporation or organization doing a business not authorized by this act, or who shall solicit membership for, or in any manner assist in procuring membership in any such corporation or organization not authorized, as herein provided, to do business as herein defined, in this state, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Penalty for soliciting for an unauthorized corporation.

SECT. 9. The money or other benefit, charity, relief, or aid to be paid, provided or rendered by any corporation, association or society authorized to do business under this act, and as herein provided, shall not be liable to attachment by trustee, or other process, and shall not be seized, taken or appropriated or applied by any legal or equitable process, nor by operation of law, to pay any debt or liability of a certificate holder, or any beneficiary thereof.

Benefits shall not be liable to attachment.

SECT. 10. Any solicitor, agent or examining physician, who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining any money or benefit, in any corporation, association or society transacting business under this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment not less than thirty days nor more than one year, or both; and any person who shall wilfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such corporation, for the purpose of procuring the payment of the benefit named in the certificate of such holder, shall be guilty of perjury, and, upon conviction, shall be punished accordingly.

Penalty for making false statement in applications for membership or claims in case of death or disability.



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Corporations now engaged in business may incorporate under this act.

—proviso.

Charters granted under this act, not valid unless completed within one year.

Penalty for violating act.

Act relating to formation of assessment insurance companies not applicable.

SECT. 11. Any fraternal beneficiary corporation existing under the laws of this state, and now engaged in transacting business as herein defined, may re-incorporate under the provisions of this act; provided, that nothing in this act contained shall be construed as requiring any such corporation to re-incorporate; and any such corporation may continue to exercise all the rights, powers and privileges conferred by this act, and its articles of incorporation not inconsistent herewith, and shall be subject to the requirements and penalties of this act the same as if re-incorporated hereunder.

SECT. 12. No charter granted under the provisions of this act shall be valid after one year from its date unless the organization has been completed and business begun thereunder.

SECT. 13. Any such corporation, association or society, neglecting to comply with, or violating the provisions of this act shall be fined not less than fifty nor more than two hundred dollars, upon conviction thereof.

SECT. 14. The provisions of the act enacted by this legislature, relating to the formation of assessment insurance companies shall not apply to corporations, associations or societies organized under or transacting business in conformity to this act.

Approved February 23, 1889.

Chapter 235.

An Act restraining the sale of Tobacco and use of same by minors under sixteen years of age.

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

Sale of cigarettes to boys, prohibited.

SECT. 1. No person shall sell any cigarette to any person under the age of sixteen years.

Giving of cigarettes to minors, prohibited.

SECT. 2. No person, other than the minor's parent or guardian, shall give to any person under the age of sixteen years any cigarette, for such minor's personal use.

Penalty for violation.

SECT. 3. Any person violating any of the foregoing provisions, shall be punished by a fine not exceeding fifty dollars.

Approved February 28, 1889.