

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

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OF THE
STATE OF MAINE.

1895.

petition of his creditors," and by adding to said section after the word "estate" the following words, 'provided such claim or demand was not created by the fraud or embezzlement of said debtor, or by his defalcation as a public officer, or while acting in a fiduciary character,' so that said section as amended, shall read as follows :

‘SECT. 51. No creditor shall commence or maintain any suit against the insolvent debtor, upon a claim or demand which he has proved against such debtor in insolvency, until after a discharge has been refused such debtor, provided, that such debtor proceeds with reasonable diligence to obtain such discharge ; and no debtor against whom a warrant in insolvency has been issued is liable to arrest on mesne process or execution, where the claim was provable in insolvency during the pendency of the proceedings, unless the same is unreasonably protracted by the fault or neglect or such debtor. No debtor who has received a discharge in insolvency proceedings, shall ever be arrested on mesne process or any judgment recovered on any claim or demand which was proved or might have been proved against his estate, provided, such claim or demand was not created by fraud or embezzlement of said debtor, or by his defalcation as a public officer, or while acting in a fiduciary character.’

Creditor can not bring suit against debtor until discharge is refused.

Liability to arrest.

Approved March 14, 1895.

Chapter 94.

An Act to amend section four of chapter two hundred and fifty-six, Public Laws of Maine, eighteen hundred and ninety-three, entitled "An Act to regulate the sale and analysis of Commercial Fertilizers."

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

SECT. 1. Section four of chapter two hundred and fifty-six, public laws of Maine, eighteen hundred and ninety-three, is hereby amended by striking out the word "five" after the words "as follows" in the fifth line of said section, and inserting in place thereof the word 'ten,' and by striking out the word "thirty" after the word "which" in the eighth line of said section, and inserting in place thereof the word 'ten,' so that said section, as amended, shall read as follows :

Sec. 4, ch. 256, Public Laws of Maine, 1893, amended.

CHAP. 94

Analysis fees.

‘SECT. 4. Any manufacturer, importer, agent or seller of any commercial fertilizer, who shall deposit with the director of the Maine Experiment Station a sample or samples of fertilizer under the provisions of section two of this act, shall pay annually to said director an analysis fee as follows; ten dollars for the phosphoric acid and five dollars each for the nitrogen and potash, contained or said to be contained in the fertilizer, this fee to be assessed on any brand of which thirty tons or more are sold in the state, and upon receipt of such fee and of the certified statement named in section two of this act, said director shall issue a certificate of compliance with this act. Whenever the manufacturer or importer of a fertilizer shall have filed the statement made in section two of this act and paid the analysis fee, no agent or seller of said manufacturer, importer or shipper shall be required to file such statement or pay such fee. The analysis fees received by said director shall be paid immediately by him into the treasury of said experiment station.’

Certificate of compliance.

When fee is paid by manufacturer, payment shall not be required of agent.

Sec. 6, amended.

SECT. 2. Section six of chapter two hundred fifty-six, public laws of Maine, eighteen hundred and ninety-three, is also amended by inserting after the word “sample” in the third line of said section, the words ‘taken in the manner hereinafter prescribed,’ and also by striking out the words “reported to the person or persons requesting the analysis, and shall also be” in the twenty-sixth line of said section, so that said section as amended, shall read as follows :

Director shall annually analyze one sample of every fertilizer sold under this act.

‘SECT. 6. The director of the Maine Experiment Station shall annually analyze, or cause to be analyzed, at least one sample taken in the manner hereinafter prescribed, of every fertilizer sold or offered for sale under the provisions of this act. Said director is hereby authorized and directed in person or by deputy to take a sample, not exceeding two pounds in weight, for said analysis, from any lot or package of fertilizer or any material used for manurial purposes which may be in the possession of any manufacturer, importer, agent or dealer in this state; but said sample shall be drawn in the presence of said party or parties in interest, or their representatives, and taken from a parcel or a number of packages which shall not be less than ten per cent of the whole lot sampled, and shall be thoroughly mixed and then divided into two equal samples and placed in glass vessels and care-

—how samples shall be taken.

fully sealed and a label placed on each, stating the name or brand of the fertilizer or material sampled, the name of the party from whose stock the sample was drawn and the time and place of drawing, and said label shall also be signed by the director or his deputy, and by the party or parties in interest or their representative at the drawing and sealing of said samples; one of said duplicate samples shall be retained by the director and the other by the party whose stock was sampled; and the sample or samples retained by the director shall be for comparison with the certified statement named in section two of this act. The result of analysis of the sample or samples so procured shall be published in a report or bulletin within reasonable time.'

—result shall be published.

Approved March 14, 1895.

Chapter 95.

An Act to amend sections one, twenty-six, thirty-eight, forty-one, sixty-four, seventy-two, seventy-three, seventy-four, eighty-eight and eighty-nine, of 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. Sections one, twenty-six, thirty-eight, forty-one, sixty-four, seventy-two, seventy-three, seventy-four, eighty-eight and eighty-nine, of chapter forty-nine of the revised statutes, relating to insurance, are hereby amended, so that said sections as amended, shall read as follows:

Secs. 1, 26, 38, 41, 64, 72, 73, 74, 88 and 89, ch. 49, R. S., amended.

‘SECT. 1. A contract of insurance, life excepted, is an agreement by which one party for a consideration promises to pay money or its equivalent, or to do some act of value to the assured upon the destruction or injury of something in which the other party has an interest. And the business involving the issuance of such contracts in this state shall be carried on only by duly incorporated insurance companies. All incorporated insurance companies may exercise the powers and are subject to the duties and liabilities contained herein and in chapter forty-six, so far as consistent with their charters. Associations of individuals now formed or which may hereafter be formed, upon which the plan known as Lloyd's, for the purpose of transacting marine insurance busi-

Contract of insurance, defined.

—how business of insurance shall be carried on.