

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1905.

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officers may define doubtful boundaries of highways.

—and may erect monuments.

—damages.

—appeals for increase of damages.

the municipal officers of the town wherein the same lies, shall, after such notice thereon as is required for the location of new ways, proceed to hear the parties, examine said highway, locate and define its limits and boundaries by placing stakes on side lines at all apparent intersecting property lines, and at intervals of not more than one hundred feet, and cause durable monuments to be erected at the angles thereof, make a correct return of their doings, signed by them, accompanied by an accurate plan of the way, and if any real estate is damaged by said action, shall award damages to the owner as in laying out new highways. Said municipal officers shall maintain all highway monuments, and replace them forthwith when destroyed. If any appeal for increase of damages is taken, and the commissioners are of opinion that their proceedings hereunder, or any part thereof, ought not to take effect, they shall enter a judgment that the prayer of the original petitioners or any part thereof, designating what part, is not granted for that reason. Upon such judgment no damages shall be allowed for that part of the prayer of the petitioners not granted, but the costs shall be paid by the county.'

Approved March 17, 1905.

Chapter 80.

An Act additional to 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:

Certain fraternal beneficiary associations may be licensed by insurance commissioner.

Section 1. Any association organized or incorporated under the laws of another state or country as a fraternal beneficiary association and which does not conduct its business upon the lodge system with a ritualistic form of work and a representative form of government, in accordance with the provisions of section one hundred and thirty-four of chapter forty-nine of the revised statutes, and which is not subject to the statutes of this state regulating fraternal beneficiary associations, but which confines its membership to the members of some particular order, class or fraternity, and which has the membership and qualifications herein required, may be licensed by the insurance commissioner to transact the business of casualty insurance on the assessment plan and to provide for the payment of death or funeral benefits of not exceeding one hundred dollars to the beneficiaries of deceased members, subject to and in accordance with the provisions of this act.

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Section 2. No such association shall transact any business in this state without a license from the insurance commissioner. Before receiving such license it shall file with the commissioner a duly certified copy of its charter or articles of association; a copy of its constitution and by-laws certified by its secretary; a power of attorney to the commissioner as provided by section one hundred forty-three of chapter forty-nine; a statement under oath of its president and secretary, in the form required by the commissioner, duly verified by an examination made in accordance with the provisions of section one hundred fifty-three of chapter forty-nine of its business for the preceding year, which statement and examination must show that the association had at least five thousand members in good standing at the date of such report, and that it had on that date available assets in excess of all known liabilities of not less than twenty-thousand dollars; a copy of its policy and application which must show that benefits are provided for by assessments upon or other payments by persons holding similar contracts; a certificate of deposit from the state treasurer of this state as hereinafter provided, and shall furnish the insurance commissioner with such further information as he may deem necessary to a proper exhibit of its business and plan of working. Upon compliance with the foregoing provisions the commissioner may license such association to transact business in this state as herein defined until the first day of the succeeding July, and such license may thereafter be renewed annually, but in all cases to terminate on the first day of the next succeeding July. The provisions of sections one hundred and twenty-nine, one hundred and forty-three, one hundred and forty-five, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine and one hundred and fifty-three of chapter forty-nine shall apply to such associations.

Section 3. No license shall be issued to any such association until it has deposited with the state treasurer of this state securities which are a legal investment for savings banks of this state amounting to not less than the maximum policy issued by such association nor to less than one thousand dollars. The state treasurer shall receive such securities and hold the same on deposit and in trust for the benefit of all the policy holders of the association in this state, and shall receipt for and hold the same in the manner provided in sections sixty and sixty-one of said chapter forty-nine, but he shall retain and hold the same as long as any liability remains outstanding in this state. Whenever any judgment obtained in a court of competent jurisdiction in this state, by a policy holder or any beneficiary thereof,

Shall not do business without license.

—shall file copy of charter.

—must have 5,000 members in good standing.

—must have available assets not less than \$20,000.

—copy of policy to be filed.

—license may be renewed annually.

—license terminates on first day of succeeding July.

Deposits with state treasurer required.

—state treasurer shall hold deposits in trust for policy holders.

—judgments, how satisfied.

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remains unsatisfied for more than sixty days after legal demand upon the association, and no appeal from the decision of said court is pending, said court may issue an order directing said state treasurer to immediately convert so much of said deposit as may be necessary into cash and to forthwith satisfy said judgment and such additional costs appertaining thereto as said court may allow, and said treasurer shall immediately comply with said order, and the association shall not transact any further business in this state until such deposit is restored. When any such association discontinues business in this state, and the insurance commissioner is satisfied upon investigation that the association has no liabilities outstanding therein, he shall so certify to the state treasurer, who shall thereupon return said deposit to the association.

Assessments.

Section 4. Every call for a payment by the policy holders of any such association shall distinctly state the purpose of the same, and no part of the money collected for the payment of indemnity claims or death or funeral benefits and no part of the reserve or emergency fund shall be used for expenses.

—reserve
fund shall
not be used
for expenses.

**Fees for
license.**

Section 5. Except as otherwise herein provided, the fees for license to the association or its agents or any renewal thereof or for any act or service of the insurance commissioner or the state treasurer shall be the same as is provided by section seventeen of chapter one hundred and seventeen of the revised statutes for life insurance companies.

Section 6. This act shall take effect when approved.

Approved March 17, 1905.

Chapter 81.

An Act for the protection of Ducks.

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

**Annual close
time on
duck.**

Section 1. There shall be an annual close time in which no person shall hunt, chase, catch, kill or have in possession, whenever or however killed, as follows: for wood duck, dusky duck, commonly called black duck, teal, and any and all ducks known as gadwall or gray duck, mallard, widgeon or baldpate, shoveler, pintail or sprigtail, redhead, scaup duck or greater blue-bill, lesser scaup duck or lesser blue-bill, golden eye or whistler, buffle head, ruddy duck or broad bill, from the first day of December to the first day of the following September of each year.