

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1913

PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

as said space bears to the amount assessed in the whole space included within said limits of said public way, and provided further that the provisions of this bill as to sprinkling streets shall not apply to suburban districts, but only to thickly populated portions of a city, town or village corporation, nor to tracks laid along the side of streets or ways, and the amount assessed against a street railroad for such sprinkling in any street shall not exceed one-third of the rest of such sprinkling along the line of said railroads. Instead of paying an assessment as above provided, a street railroad shall have the right to sprinkle at its own expense its tracks.'

'The amount of such assessment upon each estate and upon said railroad shall be determined by the municipal officers, or if said municipal officers so designate, by the board of public works, board of street commissioners, superintendent of streets or other officers, and said municipal officers or other officers or officer as aforesaid as soon as may be after the first day of April of each municipal year shall cause a list of such streets or portions thereof to be made, specifying each abutting estate, the length of track of street railroads on such streets to be sprinkled, and the amount determined to be assessed as aforesaid, against each abutting estate and said railroad and certify and commit said list to the assessors of taxes.'

Approved March 20, 1913.

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—further proviso.

—street railroad may sprinkle its own tracks.

Amount of assessment, how determined.

Chapter 84.

An Act Relating to the Rebating and Twisting of Life, Personal, Accident and Health Insurance.

Be it enacted by the People of the State of Maine, as follows:

Section 1. No life insurance company doing business in this state shall make or permit any distinction or discrimination between individuals of the same class of insurance risk and of equal expectation of life in the amount payable upon the policy, the premiums or rates charged for policies of life insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the same. No company, association or society, by itself or any other party, and no insurance agent, solicitor or broker personally, or by any other party, shall offer, promise, allow, give, set off or pay, directly or indirectly, as an inducement to life, personal accident or health insurance, on any risk in this state now or hereafter to be written, any rebate of or part of the premium payable on any policy or of the agent's commission thereon; nor shall any such com-

Life insurance companies shall not discriminate in favor of any individual.

—no rebates of premium shall be allowed.

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—no inducements outside those in policy shall be offered.

pany, association or society, agent, collector or broker, personally or otherwise, offer, promise, allow, give, set off or pay, directly or indirectly, as inducement to such insurance, any earnings, profit, dividends, or other benefit, founded, arising, accruing or to accrue on such insurance or therefrom, or any other valuable consideration, which is not specified, promised or provided for in the policy of insurance; nor shall any such company, association or society, agent, collector or broker, personally or otherwise, offer, promise, give, or sell as inducement to such insurance or in connection with such inducement, any stocks, bonds, securities or property, or any dividends or profits accruing or to accrue thereon, nor except as specified in the policy, offer, promise or give any other thing of value whatsoever, or purchase any stocks, bonds, securities or property for which shall be paid or agreed to be paid more than the fair and reasonable value thereof.

Insured person shall not accept rebates, etc.

No insured person, firm or corporation shall knowingly receive or accept, directly or indirectly, any rebate of premium or part thereof, or agent's, solicitor's or broker's commission thereon payable on any policy of life, personal accident or health insurance, or any special favor or advantage in the dividend or other benefit to accrue thereon; nor shall any such person, firm or corporation receive anything of value as inducement to such insurance or in connection therewith, which is not specified, promised or provided for in the policy of insurance.

Penalty for violation of this section.

Any company, association, society, officer, solicitor, agent, broker or other person who violates any of the provisions of this section, shall be guilty of misdemeanor and upon conviction thereof shall be sentenced to pay a fine or one hundred dollars for each and every violation, or in the discretion of the court, to imprisonment for a period of not less than ninety days nor more than six months. The insurance commissioner, after a hearing, shall have authority, in his discretion, to revoke or suspend any license issued to any such company, association, society, agent or broker for a period not exceeding one year. Provided that nothing contained in this section shall be construed to prohibit an agent from receiving commissions from his company for such insurance on himself.

—insurance commissioner may revoke license for violation of this act.

—proviso.

—exception.

Nothing in this section shall be so construed as to prohibit any company issuing non-participating life insurance from paying bonuses to policyholders or otherwise abating their premiums, in whole or in part, out of surplus accumulated from non-participating insurance; nor to prohibit any company transacting industrial insurance on the weekly payment plan from re-

—further exception.

turning to policyholders who have made premium payments for a period of at least one year directly to the company at its home or branch offices, a percentage of the premium which the company would have paid for the weekly collection of such premiums; nor to prohibit any life insurance company doing business in this state from issuing policies of life or endowment insurance with or without annuities at rates less than the usual rates of premiums for such policies insuring members of organizations or employes of any employer who through their secretary or employer may take out insurance in an aggregate of not less than fifty members and pay their premiums through such secretary or employer.

Section 2. No insurance company, association or society, or any officer, director, agent, broker or solicitor thereof shall issue, circulate or use, or cause or permit to be issued, circulated or used, any written or oral statement, or circular misrepresenting the terms of any life, personal accident or health policy issued or to be issued by such company, or misrepresenting the benefits or privileges promised under any such policy. No insurance company, association or society, officer, director, agent, solicitor or broker, or any person, firm, association or corporation shall make any misrepresentation, oral, written or otherwise, to any person for the purpose of inducing or tending to induce such person to take out a policy of life, personal accident or health insurance, or for the purpose of inducing or tending to induce any person having life, personal accident or health insurance to lapse, forfeit or surrender such insurance and to take out a policy of insurance in another company.

Any insurance company, association or society, agent, solicitor or broker, or any person, firm, association or corporation, violating the provisions of this section of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not more than one hundred dollars for each and every violation, or in the discretion of the court, to imprisonment for a period of not more than six months. The insurance commissioner, after a hearing, shall have authority in his discretion to revoke or suspend the license theretofore issued to any company, association or society, agent or broker, for a period not exceeding one year.

Section 3. No person shall be excused from testifying or from producing any books, papers, contracts, agreements or documents at the trial or hearing of any person or company, association or society charged with violating any provision of

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—further exception.

Benefits or privileges of policies shall not be misrepresented.

Penalty for violation of provisions of this act.

—Insurance commissioner may revoke license after hearing.

Incriminating evidence to be no excuse from testifying.

CHAP. 85 sections one and two of this act, on the ground that such testimony or evidence may tend to incriminate himself, but no person shall be prosecuted for any act concerning which he shall be compelled so to testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Chapter 110 and chapter 121 of P. L. of 1907, and chapter 207 of P. L. of 1909 repealed.

Section 4. Chapter one hundred ten and chapter one hundred twenty-one of the public laws of nineteen hundred seven and chapter two hundred seven of the public laws of nineteen hundred nine are hereby repealed.

Approved March 21, 1913.

Chapter 85.

An Act to Amend Sections Six, Nine and Ten of Chapter One Hundred Ninety-three of the Public Laws of Nineteen Hundred Nine, Entitled "An Act Creating the Maine Forestry District and Providing for Protection Against Forest Fires Therein."

Be it enacted by the People of the State of Maine, as follows :

Section 6 of chapter 193, P. L. of 1909, amended.

Section 1. Section six of said chapter is hereby amended by striking out all of said section after the word "purpose" in the fifth line thereof and adding thereto so that said section as amended shall read as follows :

How funds shall be used.

'Section 6. The tax assessed by authority of this act shall be held by the state treasurer as a fund to be used to protect from fire the forests situated upon and within the district hereby created, and to pay expenses incidental thereto and for no other purpose.'

Governor and council shall issue warrants.

'The governor and council shall from time to time, as the forest commissioner may request, issue their warrant to the state treasurer to pay to said commissioner such sums of money as said commissioner may deem necessary for the purpose of this act.'

If tax assessed is not sufficient payment may be made from treasury.

'If the tax assessed by authority of this act has not been collected or for any reason is not available for the purposes of this act or if said tax proves insufficient in any year to properly carry out the purposes of said act, the governor and council may issue their warrant to the state treasurer to advance and pay to the forest commissioner for the purposes of this act, such sum or sums of money as they may deem necessary for such purposes, the same to be paid from any moneys then in the treasury not otherwise appropriated.'

Accounts shall be examined by state auditor.

'The accounts of said commissioner of the disbursement of all funds under this act shall be examined by the state auditor for the purpose of determining if said accounts are correctly