

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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PUBLIC LAWS
OF THE
STATE OF MAINE

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and of the fact that said money has been paid as aforesaid, to be filed with the register of deeds in the county or registry district where the land lies, with the owner's deed thereof, and such register shall record the same; and thereafter such interest or right by descent in such real estate shall be barred. An assignee for the benefit of creditors, or in insolvency, or a trustee in bankruptcy, or any person holding title by levy or sale on execution may make application for proceedings under this section in relation to any real estate held by him in such capacity, to bar the interest and right by descent therein, of the husband or wife of the assignor, insolvent or bankrupt, or the interest and right by descent therein of the husband or wife of the judgment debtor.'

Approved February 24, 1917.

Chapter 8.

An Act to Amend Section Forty-five of Chapter Sixty-four of the Revised Statutes, Relating to the Care and Custody of Minors.

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

R. S. c. 64, § 45, relating to custody of minor children when parents live apart, amended. Section forty-five of chapter sixty-four of the revised statutes is hereby amended by inserting after the word "the" in the fourth line, the word 'exclusive' and is further amended by inserting after the word "minor", in the fifth line the words, or he may apportion the care and custody of the said minor, between the parents' so that said section as amended shall read as follows:

'**Sec. 45. Judge of probate may apportion care between parents, or may give one exclusive care.** If the father and mother of a minor child are living apart from each other, the judge of probate in the county where either resides, on petition of either, and after such notice to the other as he may order, may decree which parent shall have the exclusive care and custody of the person of such minor, or he may apportion the care and custody of the said minor between the parents, as the good of the child may require; which decree shall be in force until further order of the judge of probate. An appeal shall lie from such decree to the supreme court of probate, which appeal shall be heard and determined by the justice presiding, but the decree of the judge of probate shall be in force until reversed.'

Approved March 1, 1917.

Chapter 9.

An Act to Provide Whole Family Protection for Members of Fraternal Benefit Societies

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

Sec. 1. Payment of death benefits, by fraternal benefit societies, upon lives of children between ages of two and eighteen. Schedule of benefits

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permitted. Any fraternal benefit society authorized to do business in this state and operating on the lodge plan, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of two and eighteen years at next birthday, for whose support and maintenance a member of such society is responsible. Any such society may at its option, organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively, as follows: two, thirty-four dollars; three, forty dollars; four, forty-eight dollars; five, fifty-eight dollars; six, one hundred and forty dollars; seven, one hundred and sixty-eight dollars; eight, two hundred dollars; nine, two hundred and forty dollars; ten, three hundred dollars; eleven, three hundred and eighty dollars; twelve, four hundred and sixty dollars; thirteen to fifteen, five hundred and twenty dollars; and sixteen to eighteen years, where not otherwise authorized by law, six hundred dollars.

Sec. 2. Subscriptions to aggregate 500 before benefit certificate is issued. No benefit certificate as to any child shall take effect until after medical examination or inspection by a licensed medical practitioner, in accordance with the laws of the society, nor shall any such benefit certificates be issued until the society shall have at least five hundred subscriptions therefor, on each of which at least one assessment has been paid, nor where the number of lives represented by such certificates falls below five hundred. The death benefit contributions to be made upon such certificates shall be based upon the "Standard Industrial Mortality Table" or the "English Life Table Number Six" and a rate of interest not greater than four per cent. per annum, or upon a higher standard; provided that contributions may be waived or returns may be made from any surplus held in excess of reserve and other liabilities, as provided in the by-laws, and, provided further that extra contributions shall be made if the reserves hereafter provided for become impaired.

Sec. 3. Reserve must be maintained. Certificate may be changed when child reaches minimum age of initiation. Original beneficiary to have no claim on new certificate. Any society entering into such insurance agreements shall maintain on all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in section two, and the funds representing the benefit contributions and all accretions thereon shall be kept as separate and distinct funds, independent of the other funds of the society, and shall not be liable for nor used for the payment of the debts and obligations of the society other than the benefits herein authorized; provided, that a society may provide that when a child reaches the minimum age for initiation into membership in such society, any benefit certificate issued hereunder may be surrendered for cancellation and exchanged for any other form of certificate issued by the society, provided that such surrender will not reduce the number of lives insured in the branch below five

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hundred, and upon the issuance of such new certificate any reserve upon the original certificate herein provided for shall be transferred to the credit of the new certificate. Neither the person who originally made application for benefits on account of such child, nor the beneficiary named in such original certificate, nor the person who paid the contributions, shall have any vested right in such new certificate, the free nomination of a beneficiary under the new certificate being left to the child so admitted to benefit membership.

Sec. 4. Society must make separate financial statement to insurance commissioner. Accounts to be kept separate as long as certificates remain in force. An entirely separate financial statement of the business transactions and of assets and liabilities arising therefrom shall be made in its annual report to the insurance commissioner by any society availing itself of the provisions hereof. The separation of assets, funds and liabilities required hereby shall not be terminated, rescinded or modified, nor shall the funds be diverted for any use other than as specified in section three, as long as any certificates issued hereunder remain in force, and this requirement shall be recognized and enforced in any liquidation, reinsurance, merger or other change in the condition of the status of the society.

Sec. 5. Constitution and by-laws may provide for specified payments. Any society shall have the right to provide in its laws and the certificate issued hereunder for specified payments on account of the expense or general fund, which payments shall or shall not be mingled with the general fund of the society as its constitution and by-laws may provide.

Sec. 6. Child's certificate may be continued after termination of membership of person responsible for its support. In the event of the termination of membership in the society by the person responsible for the support of any child, on whose account a certificate may have been issued, as provided herein, the certificate may be continued for the benefit of the estate of the child, provided the contributions are continued, or for the benefit of any other person responsible for the support and maintenance of such child, who shall assume the payment of the required contributions.

Chapter 10.

An Act to Amend Section One of Chapter Eighty-five of the Revised Statutes Relating to the Bonds of Sheriffs.

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

R. S., c. 85, § 1, relating to election or appointment of sheriffs, and their bonds, amended. Section one of chapter eighty-five of the revised statutes is hereby amended by inserting in the eighth line after the word "sureties" the words, 'or with the bond of a surety company authorized to do business in this state as surety', so that section one as amended shall read as follows:

'Sec. 1. Sheriffs may be bonded by surety companies authorized to do business in the state. Sheriffs shall be elected or appointed and shall hold