

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

THE LEWISTON JOURNAL CO.
LEWISTON, MAINE
1917

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Seventy-Eighth Legislature

1917

[supplied from page 1 of volume]

CHAP. 12

interested in said real estate do not consent in writing to a sale thereof, personal notice of the time and place of the hearing on said petition shall be given to all persons known to be interested therein. Said personal notice may be given in any manner provided by law, or by the clerk of courts or the register of probate sending a copy of said petition and order of court thereon by registered mail, return receipt requested, in time to give each party at least fourteen days' notice of said hearing. The written statements of the clerk and register, with the return receipt, shall be proof of said service'; so that said section five, as so amended, shall read as follows:

'Sec. 5. Personal notice must be given fourteen days before date of hearing. Notice of any such petition shall be given in such manner as the court may order, to all persons who are or may become interested in the real estate to which the petition relates, and to all persons whose issue, not in being, may become interested therein; provided that if persons interested in said real estate do not consent in writing to a sale thereof, personal notice of the time and place of the hearing on said petition shall be given to all persons known to be interested therein. Said personal notice may be given in any manner provided by law, or by the clerk of courts or the register of probate sending a copy of said petition and order of court thereon by registered mail, return receipt requested, in time to give each party at least fourteen days' notice of said hearing. The written statements of the clerk and register, with the return receipt, shall be proof of said service. The court shall in every case appoint a suitable person to appear and act therein as the next friend of all minors, persons not ascertained, and persons not in being, who are or may become interested in such real estate; and the cost of the appearance and services of such next friend, including the compensation of his counsel, to be determined by the court, shall be paid, as the court may order, either out of the proceeds of the sale or mortgage or by the petitioner, in which latter case execution therefor may issue in the name of the next friend.'

Approved March 1, 1917.

Chapter 12.

An Act to Amend Section Fifty-six of Chapter Fifty-three of the Revised Statutes Relating to Retiring of Guaranty Capital of Mutual Fire Insurance Companies.

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

R. S., c. 53, § 56, relating to capital, guaranty fund, etc., of insurance companies, amended. Section fifty-six of chapter fifty-three of the revised statutes is hereby amended to read as follows:

'Sec. 56. Guaranty capital to be retired when net cash assets equal three times the amount of said capital. Such agreement shall set forth the fact that the subscribers thereto associate themselves with the intention to constitute a corporation, the name by which it shall be known, the class or classes of insurance for the transaction of which it is to be constituted,

CHAP. 12

the plan or principle upon which its business is to be conducted, the town or city in which it is established or located, and if a stock company, the amount of its capital stock, and if a mutual company with a guaranty capital, the amount thereof. The capital stock of a stock company organized for any of the purposes hereinbefore mentioned shall not be less than one hundred thousand dollars; a mutual company incorporated to transact any class or kind of insurance other than fire, marine or plate glass shall have a guaranty capital as provided in section fifty-seven and holders of certificates of such guaranty capital shall not receive dividends in excess of seven per cent in any one year, and in no case unless such dividends are properly earned after determining all liability as required by the insurance commissioner. Mutual companies may be incorporated to transact fire, marine and plate glass insurance and may operate in accordance with the provisions of section thirty-six, and other provisions of the laws of this state relating to such companies, provided, that they shall confine their business to not more than ten towns; mutual companies which do not so limit their business, may incorporate for any of the foregoing purposes but before doing any business they shall establish a guaranty fund or capital of not less than ten thousand dollars which may be divided into shares of not less than one hundred dollars and certificates issued therefor. A dividend not exceeding seven per cent in any one calendar year may be paid from the net earnings of the company after providing for all expenses, losses, reserves and liabilities then incurred. Such guaranty fund or capital shall be invested as provided in section twenty and shall be deposited with the treasurer of state. When the cash and other available assets of the company are exhausted such part of said fund as may be required shall, with the approval of the insurance commissioner, be drawn and used to pay losses then due. When such fund is so drawn upon the directors shall make good the amount so drawn by assessments upon the contingent funds or notes of the company and unless such fund is restored within six months from date of withdrawal, the shareholders shall be assessed in proportion to the amount of stock owned by them for the purpose of restoring said capital. Shareholders and members of such companies shall be subject to the same provisions of law relative to their right to vote as apply respectively to shareholders in stock companies and policyholders in purely mutual companies; said guaranty capital may be retired, by vote of the policy-holders, when the surplus funds of the company over and above all liabilities, including guaranty capital, shall equal or exceed the amount of such guaranty capital, or any part of said guaranty capital may be retired; provided that the amount of net surplus and guaranty fund shall not be less than ten thousand dollars. Said guaranty capital shall be retired when the net cash assets of the company equal to three times the amount of guaranty capital. Any mutual fire, marine or plate glass insurance company which has established a guaranty capital as provided herein and has obtained applications for insurance as required by section fifty-eight, shall be authorized by the insurance commissioner to write business and such company may take a premium note as provided in section thirty-six, or in lieu of said note it may charge and collect a premium in cash and by its by-laws and policies fix the con-

CHAP. 13

tingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds; but such contingent liability of a member shall not be less than an amount equal to and in addition to the cash premium written in his policy and in no case less than one per cent of the maximum liability of the company under said policy. The total amount of the liability of the policy holder shall be plainly and legibly stated upon the filing-back of each policy. Whenever any reduction is made in the contingent liability of members such reduction shall apply proportionally to all policies in force.'

Approved March 1, 1917.

Chapter 13.

An Act to Provide Compensation for Town Clerks for Issuing and Recording Burial Permits.

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

R. S., c. 118, § 20, relating to fees of town clerks, amended. Shall receive twenty-five cents for issuing burial permits. Section twenty of chapter one hundred eighteen of the revised statutes is hereby amended by adding thereto, the following paragraph: 'For preparing and issuing burial permits, undertaker's voucher and memoranda necessary for the office and for filing such memoranda, twenty-five cents, to be paid on issuing the burial permit.'

Approved March 1, 1917.

Chapter 14.

An Act to Amend Section Thirty-eight of Chapter Forty of the Revised Statutes, Relative to Old Home Week.

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

R. S., c. 40, § 38, relating to Old Home Week, amended. Section thirty-eight of chapter forty of the revised statutes, is hereby amended by inserting after the word "year" in the second line thereof the following words, 'or any week a town may designate at its annual town meeting,' so that said section as amended, shall read as follows:

'Sec. 38. Town may designate date at annual town meeting. The week commencing with the second Sunday in August of each year, or any week a town may designate, at its annual town meeting, is hereby designated and set apart as old home week.'

Approved March 1, 1917.