

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-seventh and Eighty-eighth
Legislatures

OF THE

STATE OF MAINE

From April 7, 1935 to April 24, 1937

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-Eighth Legislature

1937

CHAP. 107

with intent to defraud creditors, if a policy of life, endowment or accident insurance is assigned or in any way made payable to any such person, the lawful beneficiary or assignee thereof, other than the insured or the person so effecting such insurance, or his executors or administrators, shall be entitled to its proceeds and avails against the creditors and representatives of the insured and of the person effecting the same, whether or not the right to change the beneficiary is reserved or permitted, and whether or not the policy is made payable to the person whose life is insured if the beneficiary or assignee shall predecease such person; provided, that, subject to the statute of limitations, the amount of any premiums for said insurance paid with intent to defraud creditors, with interest thereon, shall enure to their benefit from the proceeds of the policy; but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless before such payment the company shall have written notice, by or in behalf of a creditor, of a claim to recover for transfer made or premiums paid with intent to defraud creditors, with specifications of the amount claimed.

If an annuity contract, whether heretofore or hereafter issued, is effected by any person, based upon his own life, or on another life, payable to a person other than himself, the lawful beneficiary or assignee thereof, other than the person so effecting such contract, or his executors or administrators, shall be entitled to its proceeds and avails against the creditors and representatives of the person effecting such contract, to the same extent and under the same conditions hereinbefore provided with reference to the proceeds and avails of policies of life and accident insurance.'

Approved April 2, 1937.

Chapter 107

AN ACT Relating to Domestic Mutual Insurance Companies.

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

R. S., c. 60, § 56, amended. The 3rd sentence of section 56 of chapter 60 of the revised statutes is hereby amended to read as follows:

'Mutual companies may be incorporated to transact fire, marine, and glass insurance and may operate in accordance with the provisions of section 36, 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;~~ their net retention of liability on every risk shall not exceed \$200 until their gross assets exceed \$2000, after which their net retention

of liability on every risk shall not exceed 10% of their gross assets; 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 \$10,000 which may be divided into shares of not less than \$100 and certificates issued therefor.'

Approved April 2, 1937.

Chapter 108

AN ACT Relating to the Salary of Judge of Probate of York County.

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

R. S., c. 125, § 39, amended. The 19th line of section 39 of chapter 125 of the revised statutes is hereby amended to read as follows:

'York, ~~three thousand dollars~~ \$4000.'

Approved April 2, 1937.

Chapter 109

AN ACT Relating to Taking of Soft-shelled Clams.

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

Sec. 1. Taking of soft-shelled clams regulated. No person, firm or corporation shall dig or have in possession, or offer, or expose for sale soft-shelled clams less than 2 inches in the longest diameter, to the amount of more than 15% of any batch in whole or in part. This tolerance of 15% to be determined by numerical count, or by measure of not more than 4 pecks, taken at random from various parts of said lot or batch. Provided, however, that the commissioner of sea and shore fisheries in his discretion may, however, issue permits to persons who wish to take clam seed for the purpose of propagating clams.

Sec. 2. Penalty. Any person, firm or corporation who takes or has in his possession or offers for sale soft-shelled clams in violation of any of the provisions herein stated, or who neglects to comply with the regulations shall be punished by a fine of not less than \$10, nor more than \$100 for the first offense, and by a fine of not less than \$10, nor more than \$50 for each subsequent offense.

Sec. 3. Repeal. Chapter 120 of the public laws of 1935 is hereby re-