

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

One Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1961

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Whereas, equal application of the law to all citizens of Maine is vitally necessary in order to promote fairness and justice; and

Whereas, the following legislation is necessary to place Class A Restaurant licensees who have operated restaurants in the same status as new applicants for Class A Restaurant liquor licenses; and

Whereas, since Maine's recreational industry should be encouraged as much as possible, it is vital that the following legislation be in effect for the summer of 1961; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., c. 61, § 1, amended. The last 2 sentences of that part of section 1 of chapter 61 of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1959, which defines "Class A restaurant" are repealed and the following enacted in place thereof:

'The commission, in the case of an applicant for an initial "Class A restaurant" license, is authorized to and shall exercise its judgment as to the applicant's probable qualification with the income provisions of this paragraph during the applicant's initial license period where the applicant is the owner or operator of a year-round or part-time restaurant which operated in the calendar year prior to making application and substantially met the income requirements of this paragraph and where the applicant is a new restaurant establishment, either year-round or part-time, which operated as such for a minimum of 3 months prior to making application. If the judgment of the commission is that the applicant would probably so qualify, then a license shall issue. In no case shall the commission renew any license for the sale of liquor under this paragraph unless they are furnished with proof that the previous year's business conformed to the income provisions of this paragraph. The commission is specifically authorized to make such rules and regulations as they deem necessary for carrying out the provisions of this paragraph.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective April 14, 1961

Chapter 202

AN ACT Relating to Nonforfeiture Benefits and Valuation Standards for Life Insurance Policies.

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

Sec. 1. R. S., c. 60, § 132, sub-§ VI, repealed and replaced. Subsection VI of section 132 of chapter 60 of the Revised Statutes is repealed and the following enacted in place thereof:

'VI. Method used in computing value and benefit. A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of the state in which the policy is delivered; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the company on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.'

Sec. 2. R. S., c. 60, § 135, sub-§ I, repealed and replaced. Subsection I of section 135 of chapter 60 of the Revised Statutes, as repealed and replaced by section 1 of chapter 118 of the public laws of 1959, is repealed and the following enacted in place thereof:

I. How calculated. Except as provided in the 4th paragraph of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding any extra premiums because of impairments or special hazards, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

- A. The then present value of the future guaranteed benefits provided for by the policy;
- B. 2% of the amount of insurance, if the insurance be uniform in amount, or the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy;
- C. 40% of the adjusted premium for the first policy year;
- D. 25% of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole life issued at the same age for the same amount of insurance, whichever is less.

In applying the percentages specified in paragraphs C and D, no adjusted premium shall be deemed to exceed 4% of the amount of insurance or uniform amount equivalent thereto. The date of issue of a policy for the purpose of this section shall be the date as of which the rated age of the insured is determined.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this section shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy providing a varying amount of

insurance issued on the life of a child under age 10, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age 10 were the amount provided by such policy at age 10.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in the first 3 paragraphs of this subsection except that, for the purposes of paragraphs B, C and D, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (b) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (a).

Except as otherwise provided in subsection II, all adjusted premiums and present values referred to in sections 132 to 137 shall for all policies of Ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table, provided that for any category of Ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than 3 years younger than the actual age of the insured. Such calculations for all policies of Industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding 3½% per year, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. In calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may not be more than 130% of the rates of mortality according to such applicable table. For insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.'

Sec. 3. R. S., c. 60, § 136, amended. Section 136 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 136. Calculation of cash surrender value of certain policies in case of default. Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in sections 133 ~~134 and~~ to 135 may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of section 133, additional benefits payable:

I. **Death or accident.** In the event of death or dismemberment by accident or accidental means,

II. **Total disability.** In the event of total and permanent disability,

III. Reversionary annuity. As reversionary annuity or deferred reversionary annuity benefits,

IV. Term insurance benefits. As ~~decreasing~~ term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, sections 132 to 137 ~~inclusive~~ would not apply, ~~and~~

V. Child term insurance benefits. As term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is 26; is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and

~~V.~~ VI. Other policy benefits. As other policy benefits additional to life insurance and endowment benefits,

and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by ~~the provisions of~~ sections 132 to 137, ~~inclusive~~ and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.'

Sec. 4. R. S., c. 60, § 138, amended. Section 138 of chapter 60 of the Revised Statutes is amended to read as follows:

'Sec. 138. Calculation of reserve liabilities. The commissioner shall annually value, or cause to be valued, the reserved liabilities, hereinafter called reserves, for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurance company doing business in this State, except that in the case of an alien company, such valuation shall be limited to its United States business, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods, net level premium method or other, used in the calculation of such reserves. In calculating such reserves, he may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves ~~herein~~ required of any foreign or alien company, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.'

Sec. 5. R. S., c. 60, § 139, sub-§§ III, IV, V and VI, repealed and replaced and sub-§ VII, additional. Subsections III, IV, V and VI of section 139 of chapter 60 of the Revised Statutes are repealed and the following enacted in place thereof:

'III. Standard Annuity Mortality Table or Annuity Mortality Table. For Individual Annuity and Pure Endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner.

IV. Group Annuity Mortality Table. For Group Annuity and Pure Endowment contracts, excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual Annuity and Pure Endowment contracts.

V. Class (3) Disability Table. For Total and Permanent Disability Benefits in or supplementary to Ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961 and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

VI. Inter-Company Double Indemnity Mortality Table. For Accidental Death benefits in or supplementary to policies—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961 and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

VII. Group Life Insurance Tables. For group life insurance, life insurance issued on the substandard basis and other special benefits—such table as may be approved by the commissioner.'

Sec. 6. R. S., c. 60, § 140, amended. The 2nd paragraph of section 140 of chapter 60 of the Revised Statutes is amended to read as follows:

'Reserves according to the commissioners reserve valuation method for:

- A. Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums,
- B. Annuity and pure endowment contracts,
- C. Disability and accidental death benefits in all policies and contracts, and
- D. All other benefits, except life insurance and endowment benefits in life insurance policies,

shall be calculated by a method consistent with the principles of the preceding ~~subsection~~ paragraph except that any extra premiums charged because of impairments or special hazards shall be disregarded in the determination of modified net premiums.'