

MAINE STATE LEGISLATURE

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Office of the
Attorney General of Maine,
William T. Haines.

Waterville, Me., August 3, 1897

Hon. S. W. Carr,
Augusta, Maine.

Dear Sir:-

Yours of Aug. 2, calling my attention to the provisions of sections 72, 73 and 74 of Chapter 49 R. S., as amended by Chapter 95 of the public laws of 1895, requiring insurance companies transacting business in Maine to transact all such business by constituted agents resident therein, and asking me if it is in accordance with the provisions of said Statutes for a foreign insurance company to issue policies at its home office and forward them to its agent in Maine to be countersigned and returned, is received.

In reply will say that said statute has been further amended, as you will notice, by Chapter 256 of the laws of 1897, but I do not think that amendment in any way affects the question you submit. It is my opinion that it is not lawful for any such foreign insurance companies to issue their policies at their home office and forward them to their Maine agents to be countersigned and returned, unless the same is done for the convenience of their business, and after the policy has been placed by the Maine agent and the contract made and the policy issued and countersigned by the Maine agent. The mere fact that the Maine agent should send such policy to the home office at any time for a matter of convenience would not violate the statute. But I cannot see how they can have in their possession the policies to send after they have been made and countersigned by the Maine agents and become valid contracts of insurance. I should suppose such policies would then be in the possession of the parties insuring, although they might leave them with the Maine agent, and, as I said before, the Maine agent might send them to the home office for examination or inspection or any other purpose and it would not be in violation of the statute. But any countersigning by the Maine agent before the policy to be issued is plainly a violation of the statute.

As Mr. Littlefield said in 1891, the object of the statute then was, and it has not since been changed as I can see, not to enable a foreign company to do its business out of the State, but to compel it to do it in the State and by resident agents of the State. I do not see how anything can be plainer than our statute is upon this matter.

Yours truly,

(Signed) William T. Haines,
Att'y General.