

# MAINE STATE LEGISLATURE

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STATE OF MAINE.

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REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1908.

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WATERVILLE  
SENTINEL PUBLISHING COMPANY  
1909

## MATTAMISCONTIS—DISPOSITION OF FUNDS.

*Hon. Pascal P. Gilmore, Treasurer of State, Augusta, Maine:*

DEAR SIR:—I have the honor to advise you that I have given investigation relative to your inquiry as to what should be done with the \$500 and interest of the town of Mattamiscontis, now deposited in a Bangor bank.

We assume from the correspondence transmitted by you that the affairs of the town of Mattamiscontis are being settled under chapter 95, of the Private and Special Laws of 1907, and in connection with any other public laws in force. Said chapter 95, of the Private and Special Laws of 1907 is entitled, "An Act to repeal 'An Act incorporating the town of Mattamiscontis' approved March eight, one thousand eight hundred and thirty-nine, and providing for the adjustment and payment of its indebtedness." This act, said chapter 95, provides among other things that for the purpose of ascertaining the legal assets and indebtedness of the town, the county commissioners are appointed appraisers of the assets, and auditors of claims against the town of Mattamiscontis, presented to the commissioners on or before the first day of July, 1907, and said commissioners are authorized and directed to make an assessment in the premises, etc.

It appears from the correspondence that the \$500 and interest, above noted, is money received from the sale of school lands, the legality of which is not questioned.

R. S., chapter 7, section 19, which seem pertinent to the question before us, provides as follows:

"When the incorporation of a town is repealed, the care and custody of the school lands therein reverts to the land agent and he has the same powers in relation thereto which he would have if such town had never been incorporated; and the school funds of such town shall be collected and transmitted to the treasurer of state and by him made a part of the permanent school fund belonging to such township or tract. The land agent is charged with the duty of enforcing the provisions of this section and is authorized to commence and maintain suits in the name of the state for this purpose."

I am of opinion that said chapter 95, of the Private and Special Laws of 1907, and said section 19, of R. S., chapter 7, should be construed together and that under the spirit and intent of said section 19, of R. S., chapter 7, the said \$500 and interest should be transmitted to the treasurer of the State of Maine.

### INSURANCE AGENTS AND BROKERS.— REVOCATION OF LICENSE.

*Hon. S. W. Carr, Insurance Commissioner, Augusta, Maine:*

DEAR SIR:—Relative to your inquiry as to the power of the insurance commissioner to revoke the license of an agent or broker under R. S., chapter 49, section 97, I have the honor to advise you as follows:

Said section 97 provides in general for the licensing of insurance brokers, for the punishment of such broker acting without a license, for the revocation of the license on account of violation of the insurance laws or upon request of the insurance company, and read as follows:

“Section 97. The insurance commissioner may license any person as broker to negotiate contracts of insurance for others than himself for a compensation, by virtue of which license he may effect insurance with any domestic company or its agents; or any resident of the state to negotiate such contracts and effect insurance with the agents of any foreign company who have been licensed to do business in this state as provided in sections seventy-nine and ninety-six, but with no others; said license shall remain in force one year unless revoked as hereinafter provided. Whoever, without such license, assumes to act as such broker, shall be punished by a fine not exceeding fifty dollars, or by imprisonment not more than sixty days for each offense. The insurance commissioner, after reasonable notice, may revoke the license of any agent or broker for violation of the insurance laws; or the license of any agent upon receipt of written request therefor from the company filed in the office of said commissioner.”

Your request is directed as to the authority of the commissioner to revoke a license of any agent or broker for violation