

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT

OF THE

ATTORNEY GENERAL



for the calendar years

1941--1942

August 19, 1941

The Attorney General

Andrew J. Beck, Bank Commissioner

I have your letter of August 12th, in regard to mutual savings banks.

1. In my opinion, R. S. Chapter 57, Section 27, subsection 14, includes Federal Housing Administration Insured Mortgages.

2. In my opinion, a mutual savings bank can originate Federal Housing Administration Insured Mortgages so long as the 60% restriction is not passed, and can sell those mortgages and can service them as agent for the purchasers, receiving a fee for such service.

If the mortgages and the notes are sold without recourse a mutual savings bank can make a contract with the buyer to service the mortgages, but the contract should be of such a nature that the service of the mortgage should be entirely severed from any responsibility in connection with the mortgage debt.

Attorney General

August 20, 1941

From:

Mr. Cowan

To:

W. D. Hayes, State Auditor

I have your inquiry in regard to P. L. 1935, Chapter 51, § 5. Said section provides that the Commissioner of Agriculture shall enforce the provisions of the act which has to do with the branding of potatoes. It gives him power by himself or a duly authorized representative to enter any place or building and to open any container and take samples. He can proceed civilly in an action of debt, or he may prosecute in a criminal action.

The section goes on to provide: "All fees received under this act by the commissioner and all money in fines received by him under this act shall be paid by him to the treasurer of state and the same are hereby appropriated for the carrying out of the provisions of this act." Although the language "all money and fines received by him under this act" is somewhat ambiguous, a reading of the whole chapter shows that it was the intention of the legislature to make prosecutions financially self-supporting in so far as possible. Fines imposed by the Court and paid shall be transmitted to the Treasurer of State and shall be carried by him to the fund appropriated for support of the law.

Costs, except for any portion of the costs which under some other statute are expressly directed to be paid elsewhere, shall also be paid to the Treasurer of State and by him carried to the account of the Commissioner of Agriculture in the same way as said fines are carried.

Attorney General