

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

Revised Statutes, Chapter 31, Section 15, provides as follows: "All military companies, with their ordnance and equipage, on days of training or review, while under arms, or in going to or returning from their place of parade,, may pass over toll-bridges, free of toll."

This statute seems to take care of the necessities of the Petroleum Coordinator and is broad enough to permit the passage of army motor vehicles as described in the letter of September 7th, 1941, without the payment of tolls.

Attorney General

September 19, 1941

Hon. George E. Hill
State Tax Assessor
Augusta, Maine

Dear Sir:

I have your letter of September 10th asking three questions in regard to administering the affairs of towns and plantations deorganized by Act of the Legislature. I will reply to your questions seriatim.

1. It seems to me that title to town owned property vests in the State of Maine as trustee.

2. The State Tax Assessor should destroy a tax lien under the circumstances you have cited as provided by statute.

3. You have raised a serious question in your third and fourth interrogatories which would better be answered when a specific case arises. Apparently the State of Maine will be the grantor, but unless you have an actual case in hand I prefer to withhold an opinion on the procedure. If you have a specific case give me the facts and I will work out the method.

Very truly yours,

FRANK I. COWAN
Attorney General

September 19, 1941

From:
Frank I. Cowan, Attorney General

To:
Belmont Smith, State Treasurer

I have your memorandum of September 18th, asking about the limit on deposits of State moneys in the Depositors Trust Company and the First National Granite Bank of Augusta, in reference to the provisions of Chapter 310 of the Public Laws of 1939, approved April 26, 1940, and appearing in the bound volume of the Laws of 1941, on page 16.

I have been informed by your Deputy Treasurer that the State has on hand, cash in an amount in excess of the total of the 25% of capital and surplus of all the trust companies and national banks, plus 25% of the reserve fund and undivided profits of all the mutual savings banks of the State. I have been further informed that this is a temporary matter, due to the fact that various State departments, including the State Highway Department, have not had occasion to draw against their funds as rapidly as they normally do.

Under the circumstances, it is necessary that you regard the excess moneys as coming within the provisions of the last sentence of said Chapter 310 which reads as follows:

“The above restriction shall not apply to deposits subject to immediate withdrawal, available to meet the payment of any bonded debts or interest or to pay current bills or expenses of the State.”

It is, of course, necessary that the funds shall be in the banks, and it seems to me that the sentence which I have quoted above was provided to protect you in case of any emergencies such as this.

Attorney General

September 19, 1941

From:
The Attorney General

To:
The Insurance Commissioner

I have your memorandum of September 8th in regard to an “insurance adviser”.

While the statutes do not expressly refer to this form of activity in the requirement of licenses for insurance agents or brokers, the general insurance law is so expressly designed to regulate the insurance business and to protect the people of the State from fraudulent acts on the part of insurance companies and their representatives and from any fraudulent act on the part of any person representing himself to be an insurance agent, that it is impossible to believe that a person who busies himself in the fashion set forth in your memorandum is not within the purview of the law.

If such a person is not covered by the law requiring that he have a license and is not under the supervision of the Insurance Commissioner, he is in a position to do irreparable injury both to the public at large and to the insurance companies. In my opinion such a person must be licensed and must conform to the regulations of the Insurance Commissioner.

FRANK I. COWAN
Attorney General