

MAINE STATE LEGISLATURE

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January 22, 1942

Question from Insurance Department
Re: Cancellation of State Employees' Bonds

The Insurance Department has requested information relative to the cancellation of bonds of State employees and substitution therefor of a new form bond.

In our opinion the best procedure would be to use the new form bond as the present bonds expire.

An official bond is not satisfied by its cancellation by an unauthorized officer, 46 C.J. 1074. The Governor and Council may require any officer who by law gives bond to the state to give a new bond when considered necessary, R. S. Chapter 2, Section 58. See also general provision on bonds, R. S. Chapter 125, Section 56. Many of the bonds of public officials, however, run not to the state but to the Treasurer, for example; accordingly there would be some doubt about the authority of the Governor and Council to require a new bond. On the whole we think the better procedure for the State would be to use the new form bond only as the present bonds expire.

John S. S. Fessenden

Robert B. Williamson

Approved January 23, 1942

Frank I. Cowan
Attorney General