

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

From: March 27, 1942
 Frank I. Cowan, Attorney General
 To:
 Guy R. Whitten, Deputy Insurance Comm'r

In re Continuation Certificates

I have your memo of March 26th asking if there is any legal objection to the filing by insurance companies of continuation or renewal certificates upon the expiration of policies instead of the renewal policies usually issued.

I find nothing in our statutes to prevent this proposed procedure being followed, and, at the present time when saving of materials and labor is important, I certainly shall not advise against the companies being permitted to act as suggested.

Attorney General

From: April 11, 1942
 The Attorney General's Office
 To:
 Guy R. Whitten, Deputy Commissioner Insurance

In re Out of State Mail Order Insurance

I am pleased to inform you that the general rule seems to be that insurance contracts made in foreign jurisdictions are recognized and enforced because of comity.

As a rule an insurance contract is governed as to its nature, validity and interpretation by the law of the place where it is made.

It has been held that if the contract is made by correspondence it may be deemed to have been made in the place where the application is accepted and the policy is issued.

In some cases it has been held to have been made at the place where accepted by the insured.

In this State it has been held that in case the company has an agent within the State, the delivery of that policy by the agent to the insured is the place where the contract must be enforced.

SANFORD L. FOGG

Deputy Attorney General

From: April 13, 1942
 The Attorney General's Office
 To:
 Guy R. Whitten, Deputy Commissioner Insurance

In re Your Inquiry of April 6, 1942, Relative to "Smoke Damage"

It is my opinion that the provisions of Chapter 60, Section 9, of the Revised Statutes, as amended by Chapter 171 of the Public Laws of 1933, "Relating to the Time Limit for Adjusting and Paying Fire Losses", apply to losses by fire and losses arising out of fire.

Smoke damage arising from other causes is not within the provisions of this statute.

SANFORD L. FOGG

Deputy Attorney General