

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

There is a provision of law which appears in Section 6 of Chapter 7 of the Revised Statutes which runs as follows:

“Such nomination papers so filed, and being in apparent conformity with the provisions hereof, shall be deemed to be valid; and, if not in apparent conformity, they may be seasonably amended under oath.”

I have examined a list of names of voters which has been filed in your office as a correction of the nomination petitions. I note that said list is certified by what purports to be two members of the Board of Registration of the City of Portland. However, the list is not under oath, and however informally the amendment may be made, the requirement for an oath is mandatory and cannot be waived.

It is, therefore, my opinion that the document which you have received, which may have been intended to show the place of residence in the City of Portland of certain persons who signed the petitions of Mr. Lane, is not sufficient in law.

You further inform me that although the ballots for the City of Portland have not already been printed, the absentee ballots which must be sent to our absent voters, have been printed and are ready to send to the City Clerk of the City of Portland today. I am compelled to say that, in my opinion, an amendment will not now be “seasonable” so that, regrettable as it may seem, if any name of a prospective candidate has been left off the list due to an error in form of the nomination paper, the error was not caused in your office and the candidate did not avail himself of the statutory means of amending his paper so that it would conform to statutory requirements.

FRANK I. COWAN
Attorney General

May 25, 1942

From:
John S. S. Fessenden, Assistant Attorney General

To:
Guy R. Whitten, Deputy Insurance Commissioner

Reference is made to your memorandum of April 16th, 1942 in which you ask a question with respect to Section 104, Chapter 60, Revised Statutes of 1930.

In reply you are advised that an investment in real estate cannot be considered as a net cash asset within the meaning of the statute, so that in the case of a mutual company, “net cash assets” are those assets as expressed in the net policyholders surplus which consist of negotiable securities and cash. A mutual company must, therefore, have “net cash assets” of at least \$100,000.

Assistant Attorney General