

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1941--1942

where the law as laid down in Chapter 60, sections 177 and 180, leaves off, and there is, as Judge Sawyer claims, an immediate added burden on the insurer. Just when that added burden will attach is a question that the courts may eventually have to decide; but I feel safe in saying that the courts will say there is an added burden. If there is an added burden, then the insurance companies are justified in making an additional charge, and any opinions which I have given in the past intimating the contrary, must be modified.

In connection with the question of discrimination, your memorandum of January 7 intimates that there are contracts of insurance that are being made in connection with taxicabs and perhaps with other motor vehicles, where, after the contract is made, if an accident occurs, the company attempts to change the terms of the contract. This is something that Judge Sawyer has not covered in his memorandum, and inasmuch as there is a difference between his memorandum and yours on a statement of fact, I am accepting your statement as the correct one. On the limited information I have at hand, it would seem that to the extent that the companies are attempting to vary the terms of their contracts, with policyholders, they are doing something which the State should not approve.

Further information seems to be necessary in this office in order to arrive at a definite conclusion.

I am returning herewith the brief that was written by Judge Sawyer and the letter from Mr. Spottke.

FRANK I. COWAN  
Attorney General

March 17, 1943

Ralph K. Wood, Esq.,  
Presque Isle, Maine.

*Re: Presque Isle Airport*

Dear Ralph,

I have your letter of March 9th. The form of the deed is the same as that which the War Department has used in other circumstances. What my personal opinion may be in regard to the wisdom of the procedure proposed is immaterial. The demand that has been made on me contained the following language:

"The consummation of these transfers of title is contingent upon the sufficiency of the authority of the public officials to convey and donate these particular lands to the United States of America. Adequate information in this respect is not available in this office. Therefore, it is respectfully requested that you advise this office under what authority these lands were acquired by the public officials and their authority, if any, to convey and donate same to the United States of America."

The only answer I can make to the War Department, it seems to me, is that under the provisions of the Public Laws of 1931, Chapter 213, and the Public Laws of 1941, Chapter 173, the City of Presque Isle has full authority to acquire these lands, but there is no statutory authority for a conveyance of the lands. I hoped that you would be able to give me something that would assist me in arriving at a different conclusion, but your letter of March 9th, (with which, by the way, I absolutely agree) doesn't help any. It seems to me that you will have to have an act of the legislature in order to have authority to execute this deed, and the sands of the present legislature are rapidly running out. Whether or not unanimous consent could be obtained today for this authority I do not know. I would think that there would be no reason why the legislature should not consent to the introduction of a bill for this purpose, but it might not.

Because the same problem applies to the Town of Houlton, I am sending a copy of this letter to Bob Williams, whose name appears on a similar deed and to whom I wrote on March 3rd, but from whom I have as yet received no reply.

Sincerely yours,

FRANK I. COWAN  
Attorney General

March 17, 1943

To:

David H. Stevens, Chairman      Emergency Municipal Finance Board

From:

Frank I. Cowan, Attorney General      Attorney General

I have your memo of March 15 in which you ask the following question: "If a town being administered by the Board of Emergency Municipal Finance has failed to accumulate funds for debt retirement equal to the amount of taxes collected on assessments previous to the Board taking over the affairs of the city, is that town eligible for emergency aid?"

At the conference this morning at which Mr. William Hayes, State Auditor, Mr. Page, the Commissioner of Health and Welfare, Mr. Mossman, the Commissioner of Finance, you and I were present, I stated that the question probably would need to be reframed somewhat to express the idea which was worked out in our discussion. I gave also my opinion, which I now affirm, that the provisions of P. L. 1933, Chapter 284, appearing on page 43 of the P. & S. Laws of 1935, reading as follows: "All the provisions of this act shall be liberally construed so as to carry out these intentions. All powers and duties necessary to carry out the purposes herein set forth are hereby conferred on the board," must be given weight in considering the effect of Chapter 256, P. L. 1939. Moreover, said Chapter 256