

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

May 11, 1943

To:

Guy R. Whitten, Deputy Commissioner

Insurance

From:

Frank A. Farrington, Deputy

Attorney General

The Millers Mutual Fire Insurance Company, Fort Worth, Texas

Reference is to your memorandum of April 22, 1943 on the above subject, in which you ask for an opinion relative to retaining the deposit made by this company after its withdrawal from the State and while there continue to be policies issued by it still in effect.

Articles 4925 and 4926 of the Revised Civil Statutes of Texas, 1925, which provide for a deposit by insurance companies incorporated outside of Texas and contain provisions indicating that these deposits remain available for protection of policy holders, are still in effect as far as we can ascertain by study of the Texas statutes.

Based on this assumption is the opinion of this department that the Insurance Commissioner may properly retain the deposit made by The Millers Mutual in this State under our reciprocal laws until such time as he feels that the policy holders would be properly protected, if it were to be released.

FRANK A. FARRINGTON

Deputy Attorney General

To:

Col. F. H. Farnum

May 25, 1943

Civilian Defense

From:

Frank I. Cowan

Attorney General

This office has received the following query from Lt. G. Colby Wardwell of Dexter, and in view of the fact that it is a question of importance to the whole State, I am giving a reply directly to you, so that you can inform Lt. Wardwell.

Lt. Wardwell writes: "Mr. Norman Plouff, Chairman of Civilian Defense for Dexter has requested that we obtain your ruling as to whether Auxiliary Police properly identified with arm bands have the authority to stop automobiles during an emergency or any other time."

P. L. 1942, Chapter 305, "The Civilian Defense Act," provides for the Maine Civilian Defense Corps. The Auxiliary Police referred to in the letter either are or should be members of this corps. As such, it is their duty, in common with other members of the corps, to "enforce such rules and regulations as the governor may prescribe for the carrying out of their duties." The Governor has issued rules and regulations, some of which have to do with black-outs and other emergencies. If the stopping of automobiles becomes a necessary activity during a black-out or an air-raid test or any other emergency, the Auxiliary Police, when properly identified by the insignia provided for them, have authority to stop them.

FRANK I. COWAN

Attorney General