

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

September 1, 1943

Alfred Perkins, Commissioner

Insurance

I have your memo of August 30th in regard to Mutual Casualty insurance on State of Maine risks.

It is my understanding that in years past this office has avoided giving a formal opinion on this subject. If the mutual casualty company to which you refer is a State of Maine company, which will necessarily be under the direct attention of the Insurance Commissioner, I see no reason at all why the State of Maine cannot insure with it. The courts of Maine have never passed on the only question that has really bothered people in the past, which is that of possible membership in a mutual organization and liability for losses on the part of the company. However, the courts of New York have stated affirmatively that that State can buy mutual insurance, and it is my understanding that courts in some other States have come to the same conclusion. I see no reason why we cannot safely follow their example.

FRANK I. COWAN

Attorney-General

September 1, 1943

David H. Stevens, State Assessor

Taxation

This office has a memo from Mr. Lewis of your office dated July 1, 1943, and another dated September 1, 1943, in regard to T1R1NBKP Rockwood Strip, Somerset County, together with exhibits. I am returning the exhibits herewith.

I believe that the matter referred to is one that must be corrected by the legislature. There is no authority in the Tax Assessor nor in the Governor and Council, to straighten out titles.

FRANK I. COWAN

Attorney-General

September 1, 1943

Harry V. Gilson, Commissioner

Education

Your memorandum of December 15, 1942, in regard to use of public school buildings in Auburn for holding classes in religious education has, as you know, been discussed by us on several occasions. We have tried to work out a rule that shall follow the principle of division of Church and State and still will not conflict with the proper desire of people of a community to hold religious exercises in locations that may in some cases be the only ones available for public gatherings. We have found it necessary to consider the propriety of people in country districts holding religious services on Sunday in country school houses, where no church is located within several miles or where, if there is a church, it is not available for use by this particular group. We have also been compelled to consider cases such as that which has arisen in Brunswick, where a parochial school has burned and the religious sect which operated that particular school informs us it has not been able to obtain priorities to erect a school building during the summer.