

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

However, it is not necessary to answer the question. If the office of Judge of Probate and that of Mayor of Belfast are incompatible, the acceptance of the former office will vacate the latter. If, on the other hand, they are not incompatible, he can continue as Mayor of Belfast. In either case he becomes the duly constituted Judge of Probate.

Inasmuch as the office of mayor of Belfast is not a State office, the question whether he shall continue as incumbent of that position, if question arises, must be left to the determination of the courts.

FRANK I. COWAN

Attorney-General

January 25, 1944

James H. Register, Field Director
American Red Cross
A. P. O. 629
New York, N. Y.

Dear Sir:—

I have your letter of January 7th.

1. It is questionable whether the State of Maine would recognize a common-law marriage, although our courts have recognized the issue of such marriages and declared that such issue are legitimate.

2. Proxy marriages are not recognized under the laws of the State of Maine.

3. A resident of the State of Maine does not lose his residence through serving in the military service and does not need to return to Maine to sign a divorce libel. . . .

Very truly yours,

FRANK I. COWAN

Attorney-General

January 26, 1944

X, Esq.

In re: Change of purposes of Z Insurance Company

Dear X,

I acknowledge receipt of your letter of the 24th instant addressed to the Attorney-General and enclosing for approval by this department a certificate of the change of purposes of the above-named company, in and by which it voted to accept the provisions of Chapter 107 of the Public Laws of 1937 and also Chapter 19 of the Public Laws of 1939. I am herewith returning the same without approval, with the suggestion that the certificate to be forwarded here should recite, or it should appear from some other document, that the proposed action was taken by a vote representing a majority of the voting power and that the same was acted upon at a meeting, the call for which gave notice that such proposed action would be taken. From the certificate which you forwarded it appears that the action was taken at "a meeting as and for the annual meeting," and that it was attended by a quorum, and it

nowhere appears that in the notice for the annual meeting the attention of the receivers of the notice was directed to the fact that such special action would be taken at that meeting.

Furthermore, under Section 48 of Chapter 56, these certificates of the change in purposes, etc., are to be filed within twenty days thereafter. While this provision, I believe, has been held to be directory rather than mandatory, I call it to your attention, as it may be that you will have to call another meeting on notice or waiver of notice and have the action taken on March 21, 1941, ratified and confirmed.

Sincerely yours,

ABRAHAM BREITBARD

Deputy Attorney-General

January 27, 1944

A. M. G. Soule, Deputy Commissioner of Agriculture

I have examined the letter from R. H. Lovejoy, county agent, addressed to Mr. Carl R. Smith, Commissioner of Agriculture, bearing date January 25, 1944, and describing the procedure of Mr. of, who is butchering hogs in sufficient numbers, apparently, to make it a business enterprise on his part.

P. L. 1943, Chapter 351, Section 1, in the first sentence, expressly provides that "No person . . . shall operate a slaughterhouse . . . or other place or establishment where animals are slaughtered . . . unless such persons . . . be licensed by the commissioner of agriculture." On the statement of fact contained in Mr. Lovejoy's letter and the further information you have given me, there is no question but what Mr. must have a license to carry on this business.

Section 3 of the Act was carefully drawn to protect the farmers and make sure that they would not be in a position to need a license permitting them to butcher or have butchered their own animals and fowls. The language "or has butchered for him" and the words "or elsewhere" apply solely to the farmer. If he takes his fowls or animals to a "slaughterhouse, abattoir, or other place or establishment where animals are slaughtered" for butchering, the operator of the butcher shop or place must have a license.

FRANK I. COWAN

Attorney-General

January 28, 1944

Guy R. Whitten, Deputy Insurance Commissioner

Under date of January 5, Commissioner Perkins sent me a memorandum, a copy of which I enclose herewith. I have made careful examination of the Statutes in regard to Domestic Mutual Fire Insurance Companies. Whatever may have been the intention of the author of the amendment which appears as Public Laws 1943, Chapter 148, it seems to me that no change has been made in the law concerning Domestic Mutual Fire Insurance Companies.