

MAINE STATE LEGISLATURE

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January 28, 1944

To Guy R. Whitten

Deputy Insurance Commissioner

From Frank I. Cowan

Attorney General

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.

R. S. Chapter 60, Sec. 85, which provides for annual certificates for "every domestic insurance company" might seem at first glance to cover these domestic mutuals. However, the language of the second sentence of that section shows clearly that the provision was intended for stock companies. This is the more clear when we compare the language of Sec. 85 with Sec. 84. In Sec. 84 (1) domestic stock insurance, and (2) mutual life insurance companies, and (3) domestic mutual fire insurance companies, are particularly set forth; whereas, Sec. 85, as said above, can refer only to stock companies.

Public Laws of 1931, Chapter 101, Sec. 5, which amends R. S. Chap. 60, Sec. 84 cut out the direct reference to (1) stock insurance, (2) mutual life insurance, (3) domestic mutual fire insurance companies, and makes the section apply to "every domestic insurance company". This provides for a biennial examination, but does not go further. We have then, as the law stands, a provision in Sec. 84, as amended, for biennial examinations of every domestic insurance company, and in Sec. 85 a provision for annual certificates in the case of stock companies.

Public Laws of 1943, Chapter 148, ties in directly to the amended Sec. 84 and the original Sec. 85 of R. S. Chap. 60. The language in Chap. 148, above cited, "except that domestic mutual fire insurance companies writing on the assessment plan only are exempt from this requirement" can apply only to the original certificate of qualification. It can, moreover, have no connection with the words "for each annual renewal thereof \$20.00" since there is no provision in the Statutes requiring that domestic mutuals shall obtain annual certificates.

Frank I. Cowan
Attorney General

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