

# MAINE STATE LEGISLATURE

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July 15, 1944

To William D. Hayes, State Auditor  
Re: Maine Standard Schedule Fidelity Bond for State Officials and  
Employees

Question 1. In your memorandum of July 11th, you inquire with relation to the above subject and you say, "Calling your attention particularly to the 4th paragraph thereof, I ask whether this bond would automatically cover a person not specifically bonded, who during the absence on vacation or sick leave performs the duties of opening mail usually handled by two bonded employees; thus eliminating the necessity of placing a temporary bond on the substitute.

Answer. I am of the opinion that the terms of this bond would not automatically cover a person not bonded, who temporarily substitutes for a bonded employee. Nor do I believe that the provisions of the bond contemplate the coverage of a substitute without payment of a premium for that coverage. On the assumption that a substitute was covered, I am of the opinion that within the sixty-day period that person would have to be added as a principal on the bond unless within that period notice was given to the surety of a claim for loss.

Question 2. I particularly call your attention to the last phrase in the first paragraph of the 4th section, and ask the effect of the same on the situation above set forth, - "for the first 60 days commencing with the effective date of this bond".

Answer. That part of the fourth paragraph which you quoted is obscure and should be rewritten. I think the provision should be that the underwriter should be automatically bound in the sum specified "for the first sixty days commencing with the employment," and this should be followed up with the categories a, b, and c.

As now written, it would appear as though the automatic underwriting is applicable only for the first sixty days after the date of the bond.

I return herewith the schedule bond of the Bureau of Accounts and Control which you furnished me.

Abraham Breitbard  
Deputy Attorney General

AB:c