

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

MAINE STATE
LIBRARY

May 15, 1946

To Guy R. Whitten, Deputy Insurance Commissioner
Re: Individuals Operating as Insurance Agents under a Trade Name

In reply to your inquiry of May 14th:

So far as individuals are concerned, the statute only requires the Insurance Commissioner to issue a license to that individual. In the past, as I understand it, it has been the custom to license the individual by describing him by name and then following that up with the statement that he does business under a trade name.

A partnership is licensed in its firm name, which may be a trade name, and the name of each individual member thereof. In the case of a corporation the license is to be issued to the corporation by its corporate name, and the name of each officer or member thereof authorized to transact business therefor under such license; but individuals holding the two former licenses are authorized to transact business "for and in the name of the firm or corporation only."

Your present inquiry is whether three individuals who represent that they are doing business under the same trade name, in the same locality, and not being in partnership under that trade name, may be licensed in their individual names doing business under the same trade name. My answer is in the negative. Such a practice would lead to utter confusion, because if one insured under the agency by the trade name, the Commissioner would have to determine which of the three persons was the one with whom he was doing business. I do not believe that the statute contemplates any such practice. You would thus be justified in refusing to issue a license to them with any more than their own names.

ABRAHAM BREITBARD
Deputy Attorney General

May 17, 1946

To Earle R. Hayes, Secretary, Employees' Retirement Status
Re: Retirement Status, Secretary, Normal School

Your memorandum of April 10th involves the question whether a secretary employed at a State Normal School is eligible to join the Teachers' Retirement System, or whether the State Employees Retirement System is the only one of which she may become a member.

Reference is made by you to an amendment of the law by which certain school secretaries were included within the definition of the term 'teacher' in the Teachers' Retirement Act.

This refers to Chapter 225 of the Laws of 1941, now paragraph I of Section 221 of Chapter 37, R. S. 1944, whereby 'teacher' was defined to mean "Any teacher, principal, supervisor, school nurse, school secretary, or superintendent employed in any day school within the state; . . ."