

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1945-1946**

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May 23, 1946

To Harry V. Gilson, Commissioner of Education

Re: Payment to Private School of Elementary School Tuition, etc.

Consideration and study have been given to your inquiry of April 4th, wherein you asked to be advised whether under Sections 142 and 143 of Chapter 37, R. S. 1944, elementary school tuition may legally be paid to a proposed private school, and, if so, whether in addition thereto transportation or board in full or in part may be paid for such pupils. This has relation to pupils residing in an unorganized township.

You are hereby advised that such tuition and transportation or board are allowed only where the pupil is sent to a "public elementary school in the state," who "shall be entitled to all privileges and benefits and be subject to the same rules and regulations as children residing in the municipality to which they are sent." It is very clear from the language here employed that this cannot relate to a private or parochial school.

ABRAHAM BREITBARD

Deputy Attorney General

May 27, 1946

To Alfred W. Perkins, Insurance Commissioner

Re: Consolidated Underwriters

In your memorandum of April 24th, which concerns Chapter 56, Sections 210-217 inclusive, providing for reciprocal contracts of indemnity, you ask for an opinion as to whether:

- "1. If an Inter-insurer were admitted to the State of Maine, would it be entitled to write Workmen's Compensation insurance and Employers' Liability insurance since it is not an insurance company within the meaning of the general insurance laws?
2. If it were permitted to write this coverage, would it be conditioned upon their having to file rates for approval based upon manual classifications?"

Upon the assumption that the documents submitted to you by the applicant would entitle it to be admitted to do business in this State, we answer both questions in the affirmative. While it is true that under Section 210, it is provided that the making of contracts of indemnity thereunder "shall not constitute the business of insurance and shall not be subject to the laws of this state relating to insurance, except as provided in this section and the 7 following sections" (the exceptions therein provided are not pertinent here) nevertheless under Chapter 26, which is our Workmen's Compensation Act, provision is there made requiring that insurance companies issuing industrial accident insurance policies covering the payment of compensation and benefits provided for in that Act shall file with the insurance commissioner a copy of "the form of such policies, and no such policy shall be issued until he has approved said form. It (the insurance company) shall also file its classification of