STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1951 - 1954

However, with respect to the right granted by Section 62, permitting the town to provide for municipal licenses, it is felt that such licenses must be for a particular period of time. In other words, licenses under this provision should remain valid for a year or another definite period of time.

Of course, all regulations enacted by the town are subject to examination and possible repeal from time to time as conditions require; but quite generally the usual regulation remains in effect until repealed.

JAMES G. FROST
Assistant Attorney General

January 29, 1952

To Honorable Frederick G. Payne, Governor of Maine
Re: Cumberland County Sheriff and State Troopers

With reference to letter from you relative to request of Charles Murphy, foreman of the Grand Jury in Cumberland County, that, as the Governor and Council had seen fit to exonerate Sheriff Dearborn on charges of unfaithfulness and inefficiency in office, it is the feeling of the majority of the Grand Jury that State Troopers James Adams and Stephen Regina should also be absolved from blame, the following is offered:—

For misconduct of a sheriff the Governor and Council have authority to remove him from office. There seems to be no other, minor, disciplinary action that can be taken against a sheriff.

With respect to misbehavior by members of the State Police, there are two courts martial procedures, summary and general, which provide that a person being guilty of misbehavior may be suspended from duty without pay, demoted in rank, or fined; or, under a general court martial, given such other disciplinary measures as seem proper, or dismissed.

With respect to Troopers Adams and Regina, these two men were court martialled for their participation in the slot machine affair, but were not removed from their positions. Apparently, then, some minor disciplinary measure was taken against them, there being insufficient misbehavior, apparently, to warrant removal from their positions.

With respect to Sheriff Dearborn, the Governor and Council found that, in so far as his activities were concerned, there was insufficient evidence to remove him from office. The two cases, then, were similarly handled and arrived at similar conclusions. None of them was guilty of such an offense as was sufficient to remove him from office or position. The fact that the trying body could, in the case of the troopers, impose minor disciplinary action, whereas in the case of the sheriff none was possible, does not ultimately render their decisions different.

To the effect that Sheriff Dearborn was not exonerated, but rather that his activity was not sufficient to warrant removal from office, the following are two quotations from the Governor's decision:—

"The Council wishes me to express the following: That it was their united opinion, together with the Governor's, that the facts as presented were not sufficient to warrant removal of the Sheriff for inefficiency in office."

"There are some things which came out in the testimony I feel require a heart to heart talk with him. While this evidence was not sufficient to warrant his removal, it certainly requires a discussion."

ALEXANDER A. LaFLEUR
Attorney General

January 29, 1952

To General Spaulding Bisbee, Director, Civil Defense and Public Safety
Re: Assessments by Counties against Municipalities

We have your memo of January 23, 1952, in which you ask the opinion of this office as to whether or not a county may assess municipalities for moneys to be used for Civil Defense purposes under the Civil Defense Act of 1949.

Please be advised that under the 1951 amendment to the 1949 Civil Defense Act (Chapter 273 of the Public Laws of 1951), counties have been included within the definition of political subdivision, and it is our opinion that counties may appropriate money for Civil Defense measures, if the same is properly accounted for in their budgets.

We are of the opinion that in the interim period during which the Act is in effect and before counties make provisions for appropriations in their budgets, they may not assess municipalities for funds to be used for Civil Defense purposes.

JAMES G. FROST
Assistant Attorney General

January 29, 1952

To Guy R. Whitten, Deputy Insurance Commissioner
Re: Direct Deductible Fire Insurance Coverage

You have requested this office to advise you:

1) If direct deductible fire insurance coverage may be legally written under the provisions of the Maine standard statutory fire insurance policy: and

2) If the authority extended to the Insurance Commissioner under subsection III of Section 96 is sufficiently broad to modify that insuring clause of the Maine standard policy to provide the writing of direct deductible fire insurance coverage by appending to the policy such a slip or rider as provided in the section above cited.

The Maine standard statutory fire insurance policy provides that the purchaser of the policy insures his property ". . . to the extent of the actual cash value of the property at the time of loss . . . against all DIRECT LOSS BY FIRE, LIGHTNING, ETC."

On its face, then, this standard policy purports to be a contract of indemnity indemnifying the insurer for all direct loss sustained by reason of injury caused by those perils against which he insures.