

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
1951 - 1954

“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.