

MAINE STATE LEGISLATURE

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February 8, 1954

NO

To W. Atherton Fuller, Jr., County Attorney, Hancock
Re: Bond of Register of Probate

This letter will supplement that of January 12th from this office in which letter it was stated that unofficially our office was of the opinion that a single blanket bond would not in all probability be a proper bond to cover the Register of Probate. That letter came about as a result of a request on your part for advice as to whether or not it would be proper for certain county officials, among whom was the Register of Probate, to be included in a blanket bond.

We have had in the meantime an opportunity to examine a specimen of the blanket bond intended to be used for the purpose. This blanket bond is conditioned, as we thought it would be, merely that each officer shall faithfully discharge all the duties and obligations of his said office as required by law. There are some statutory bonds which such a blanket bond might well cover. See, for instance, Section 14 of Chapter 82 of the Revised Statutes of 1944, with respect to overseers of the poor:

"Before entering upon the performance of said duties, the person or persons, so designated shall be sworn, and shall give bond to the town for the faithful performance thereof. . . ."

With respect, however, to the bond required of the Register of Probate, it will be noted that Section 23 of Chapter 140 provides:

"The condition of such bond shall be to account, according to law, etc."

It can be seen that this statutory bond is entirely different from that required in other sections of our law in that the law spells out what the conditions of the bond shall be.

In view of the fact that a public officer is not a de jure officer until the statutory bond has been filed and approved, we are of the opinion that the only safe procedure to use with respect to the bonding of Registers of Probate is to have a single bond conditioned as provided in the words of the statute.

James Glynn Frost
Deputy Attorney General

jgf/c