

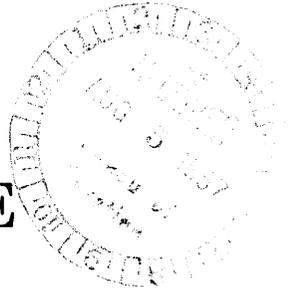
MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT
OF THE
ATTORNEY GENERAL

for the calendar years
1955 - 1956

July 10, 1956

To George Mahoney, Insurance Commissioner

Re: Contracts with Mutual Insurance Companies

Inquiry has again been made of this office as to the legality of the State's entering into a contract with a mutual insurance company to cover State of Maine risks.

Opinions on the subject have been issued by this office on three occasions: May 1, 1929, September 1, 1943, and May 16, 1944. All are to the effect that the State may properly enter into contracts of insurance with mutual companies.

Contracts of insurance on a strict mutual plan would probably be in violation of Article IX, Section 14, Constitution of Maine, which provides that "The credit of the State shall not be directly or indirectly loaned in any case."

It is our opinion that the State may lawfully enter into contracts of insurance with properly licensed mutual companies covering State property, if the premiums to be paid are definitely certain and no contingent or additional liability is created by virtue of possible future assessments. See Section 85 of Chapter 60, R. S. 1954, for authority of domestic mutual fire insurance companies to issue non-assessable advance cash premium policies.

JAMES GLYNN FROST
Deputy Attorney General

July 13, 1956

To Paul MacDonald, Deputy Secretary of State

Re: Revocation of Licenses

We have your recent request for an opinion as to the proper date from which to determine when the license to operate a motor vehicle shall be revoked upon a person's conviction of driving under the influence.

It appears that the respondent in the instant case which gives rise to the question pleaded guilty in the Bar Harbor Municipal Court on June 13, 1955, to the charge of operating a motor vehicle while under the influence of intoxicating liquor. After sentence was imposed respondent appealed.

Thereafter, at the September term in the Superior Court in and for the County of Hancock, respondent again offered a plea of guilty and was sentenced \$100 and costs, which was paid.

Pending respondent's appeal to the Superior Court, he retained his license to operate by virtue of court order authorized under the provisions of Section 150, Chapter 22, R. S. 1954.

Upon receipt of an abstract of the Superior Court Record concerning the case you issued an order under date of September 23, 1955, revoking the respondent's right to operate motor vehicles for a two-year period beginning with the date respondent's license was received in your Department.

Under these circumstances the question is asked if revocation for a two-year period should begin on September 16, 1955, the date of conviction and sentence in the Superior Court, the same being the date upon which you based your de-