

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

seem that this was an omission with the intention of giving the broadest meaning to the words, "on any way in this state."

RICHARD A. FOLEY  
Assistant Attorney General

March 25, 1958

To Doris M. St. Pierre, Secretary, Real Estate Commission

Re: Change of Designated Broker

You have requested an opinion on the following fact situation: Mr. S. holds a valid license as a real estate broker. A. Corporation has designated W. to hold the broker's license for the corporation. W. has now made an application for an individual license and A. Corporation wishes to designate S. as its representative to hold a broker's license.

Is it necessary for A. Corporation to procure a new license with S. as its designated broker?

Section 7 of Chapter 84 of the Revised Statutes of 1954 provides that a license granted to a corporation entitles the corporation to designate one of its members without any further payment of broker's fees to perform the acts of a real estate broker. It states:

"If, in any case, the person designated by a real estate broker shall be refused a license by the commission, or in case such person ceases to be connected with such real estate broker, said broker shall have the right to designate another person who shall make application as in the first instance."

Therefore it is my opinion that A. Corporation, if it wishes to designate Mr. W. as its new broker, will have to procure a new license.

GEORGE A. WATHEN  
Assistant Attorney General

March 27, 1958

To Kermit S. Nickerson, Deputy Commissioner of Education

Re: Price of School Milk

This is in response to your memorandum of February 7, 1958, in which you ask the following question:

"Whether or not the minimum price paid to dealers in Maine for school milk comes under the jurisdiction of the Maine Milk Control Board?"

Answer: Yes. Prior to the 1957 Legislature it was the opinion of this office that because of the construction of the Maine Milk Control Law, school milk did not come under the jurisdiction of the Maine Milk Control Board. However, in 1957 Section 1, C. 33, R. S. 1954 (Definitions) was amended as follows:

“‘Person’ means any individual, partnership, firm, corporation, association or other unit, and the State and all political subdivisions or agencies thereof, except State owned and operated institutions.”

Under Section 4 the Milk Commission has jurisdiction over sales  
“. . . By any person . . . to another person. . .”

From the above it appears to have been the intent of the Legislature to include political subdivisions or agencies of the State within the provisions of the Maine Milk Control Law.

GEORGE A. WATHEN  
Assistant Attorney General

March 31, 1958

To Lloyd K. Allen, Manager, Industrial Building Authority

Re: Maine Industrial Building Authority Advertising

As a general rule a governmental department or agency has only the powers expressly granted by statute. Section 6 of Chapter 38B sets out the powers of the Industrial Building Authority. Section 11 of Chapter 38B states that the Authority “may in its discretion expend out of the fund such moneys as may be necessary for the expenses of the Authority, including administrative, legal, actuarial and other services.”

Reference to Chapter 38A, Revised Statutes of 1954, indicates that the Department of Economic Development has been set up to disseminate information to promote industry within the state and advertise the advantages of the state. See Section 4 and Section 6A of Chapter 38A. Therefore, it is my opinion that this department should handle advertising and promotion of the advantages of the Industrial Building Authority.

GEORGE A. WATHEN  
Assistant Attorney General

April 1, 1958

To Carleton L. Bradbury, Banking Commissioner

Re: Group Life Insurance

In answer to your memo dated March 3, 1958, containing two questions . . . may I submit the following answer, using the word “bank” to include a mutual savings bank, trust company, and loan and building association:

Question 1. Is it within the authorized corporate powers of a state-chartered mutual savings bank, trust company, or loan and building association to offer group life insurance to certain real estate mortgage borrowers by use of a Group Insurance master policy, provided the form of the policy and its underwriting is in compliance with applicable statutes?

*Answer.* Section 18 of Chapter 59, R. S. 1954, requires each bank to cause fire insurance to be placed on all real and personal property on which it holds a mortgage. It further states that the bank may require other kinds of insurance to be carried on any interest it may have in its own property or in that of others.