

MAINE STATE LEGISLATURE

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May 7, 1959

The Honorable Joseph T. Edgar
Speaker of the House of Representatives
State House
Augusta, Maine

Re: House Amendment "A" to H. P. 928, L. D. 1312

Dear Mr. Edgar:

We have your oral request for an opinion regarding whether the House Amendment above-mentioned is germane to L. D. 1312.

Chapter 53, Public Laws of 1959, repealed Section 61, Chapter 60 requiring publication of an annual statement of condition by a foreign insurance company to be published. Chapter 54, Public Laws of 1959, repealed Section 86, Chapter 60, requiring domestic mutual fire insurance companies to publish an annual statement of its condition. Both of these laws were approved by the Governor on March 13, 1959.

House Amendment "A" to H. P. 928, L. D. 1312, proposes to repeal both Chapter 53 and Chapter 54, Public Laws of 1959.

The word "germane" as defined in Webster's Dictionary is closely allied, appropriate, relevant. I have found many cases which rely on this definition.

The general rule, in states that have a constitutional requirement that the title of an act must express its subject or object, is that amendments are germane if they are not inconsistent with the subject or object expressed in the title or could have been included in the original act. Maine does not have such a constitutional provision.

Honorable Joseph T. Edgar

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The Joint Rules, Rule 6 provides:

"The title of all bills and resolves shall state briefly the subject matter of the same."

The Rules of the House, Rule 36 provides:

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

Therefore, we believe you should rely on House Rule 36 in making a ruling on this question. The question that you raise is a question of fact. We believe it would be improper for this office to invade your province in this matter and we have attempted to set out guides for your use when making the factual determination.

Respectfully submitted,

George A. Nathan
Assistant Attorney General

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