

# MAINE STATE LEGISLATURE

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April 13, 1967

Harold E. Trahey, Deputy  
Commissioner

Insurance

Jerome S. Matus, Assistant

Attorney General

Interpretation of Statutes Relating to Examinations of Life Insurance Agents.

FACTS:

A member of the Insurance Commissioner's Advisory Board on the Examination of Life Insurance Agents has requested through you answers to the following:

QUESTION #1:

Under 24 M.R.S.A. 2581, subsection 2, may an applicant for a license to sell life insurance actively solicit insurance if accompanied by a licensed agent?

ANSWER #1:

No.

OPINION #1:

One of the purposes of a life insurance agent's license, either as a life insurance agent or sub-agent, is to permit him to solicit life insurance. 24 M.R.S.A. § 2581, subsections 1 and 2.

It must follow that a person who does not hold a license as a life insurance agent cannot actively solicit life insurance. An applicant for a life insurance agent's license for purposes of training may accompany a licensed insurance agent in a call upon a prospect. However, he may not solicit the prospect by any manner or means.

QUESTION #2:

If so, for what period of time could this be done prior to sitting for the examination?

ANSWER # 2:

As Question #1 was answered in the negative, this question is moot.

QUESTION #3:

Would it be within the powers of the Commissioner to require that such sub-agent submit to some type of formal training or education prior to sitting for the examination?

ANSWER #3:

No.

OPINION #3:

The Commissioner is given liberal power (24 M.R.S.A. § 2582) to establish and amend reasonable rules and regulations concerning all matters within 24 M.R.S.A. §§ 2581-2596. However, he may not make rules and regulations concerning subjects not mentioned in §§ 2581-2596; namely, formal training or formal education.

24 M.R.S.A. § 2587 states in part:

"If the commissioner is satisfied that the applicant is trustworthy and competent and the applicant, if required, has passed his written examination, a license shall be issued forthwith, limited to the insurer and kind of insurance for which the agent is to be appointed. If the applicant has not passed his written examination, or for any of the reasons set forth in section 2593, the commissioner shall notify the applicant and the insurer in writing that a license will not be issued to him . . . ."

None of the criteria in section 2587 or reasons for refusal of a license in section 2593 relate to formal training or education as a condition precedent to the obtaining of a license as a life insurance agent. If there is a desire for such rules and regulations, there must be an amendment to our statutes which would make it clear that the Legislature intended formal training or education to be a pre-requisite for the obtaining of a life insurance agent's license.

QUESTION #4:

24 M.R.S.A. § 2586, subsection 1-A - Under this section, is it within the powers of the Commissioner to require another written examination of an agent if this is deemed necessary in the opinion of the Commissioner?

ANSWER #4:

A qualified yes. See OPINION.

OPINION #4:

The answer to this question must be a qualified yes. The Commissioner is bound by 24 M.R.S.A. § 2586, subsection 3 as to further examinations and the time periods when the further examinations may be taken. The Commissioner may make a blanket rule and regulation within the framework of section 2586, subsection 3 in respect to further examinations. However, any rule and regulation must set up standards that will apply to all applicants for further examinations.

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Jerome S. Natus  
Assistant Attorney General

JSN/eh