

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

✓✓
May 3, 1967

H. W. McKowen, Executive Secretary

Maine Insurance Advisory Board

Jerome S. Matus, Assistant Attorney General

Membership on the Maine Insurance Advisory Board.

FACTS:

A member of the Maine Insurance Advisory Board sold his insurance agency effective January 1, 1967 to his nephew. The purchaser pays a portion of the purchase price each month. The seller has had no legal interest in the insurance agency as of January 1, 1967. Whatever monies he had in the agency have been withdrawn. The purchaser has a bill of sale effective January 1, 1967. The present owner of the insurance agency now wishes to have his firm added to the bid list to quote on insurance coverage for the State and University of Maine.

QUESTION:

Is there a conflict of interest on the part of the member of the Maine Insurance Advisory Board who sold his insurance agency if the new owner of the insurance agency is placed on the bid list?

ANSWER:

No.

OPINION:

The pertinent portion of 5 M.R.S.A. § 1711 reads as follows:

" * * * No insurance policy or bond issued to the State shall be placed through any member of the Board, his firm or employer during his membership on the Board."

In my opinion, there is no violation of this portion of 5 M.R.S.A. § 1711 on the basis of the facts as given. The facts indicate that

the new owner of the agency is not a member of the Board. The facts also indicate that the agency is no longer the agency of a member of the Board and that the member of the Board is not employed by the agency. Therefore, any insurance policy or bond issued to the State by the new owner would not be in violation of 5 M.R.S.A. § 1711.

Jerome S. Matus
Assistant Attorney General

JSM/eh