

MAINE STATE LEGISLATURE

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May 25, 1967

George F. Mahoney, Commissioner

Insurance

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Attorney General

Qualification for Membership to the Advisory Board on Examinations of Fire, Casualty, and Surety Agents (L. D. 1234, P. L. 1967, c. 183)

FACTS:

A professor at a Maine college represents the public on the present Advisory Board on Examinations of Fire, Casualty and Surety Agents. A new Advisory Board on Examinations of Fire, Casualty and Surety Agents will be established replacing the present Board pursuant to the provisions of L. D. 1234, which will become effective as the Public Laws of 1967, c. 183, 90 days after the adjournment of the 103rd Legislature.

The professor, a Maine resident, is engaged in the teaching of insurance courses at the Maine college on what may be considered to be a full-time basis.

QUESTION:

May the professor, a resident of this State who is engaged full time in insurance education at a college, qualify as the representative of the public on the Advisory Board under L. D. 1234 (P. L. 1967, c. 183)?

ANSWER:

No.

OPINION:

The pertinent portions of L. D. 1234 states:

"R. S., T. 24, § 2505, repealed and replaced. Section 2505 of Title 24 of the Revised Statutes is repealed and the following enacted in place thereof:

"§ 2505. Advisory Board.

"The Commissioner shall appoint an advisory board to make recommendations to him with respect to the scope, type and conduct of written examinations for fire, casualty or surety insurance agents' licensing and the times and places within the State where they shall be held, and with respect to the other matters referred to herein. . . . No person shall be eligible for appointment to said board unless he or she is active on a full-time basis in the insurance business, and a resident of this State. . . ."

Under the present 24 M.R.S.A. § 2505, there is no requirement that the member of the Advisory Board representing the public be active on a full-time basis in the insurance business; however, for a person to be a member of the prospective Advisory Board, he must be active on a full-time basis in the insurance business. Although the professor may in fact be better qualified to serve on the prospective board than many persons who are engaged actively on a full-time basis in the insurance business, the Legislature has made the determination that full-time participation in the insurance business is a pre-requisite for serving on the Advisory Board. Such a legislative determination must be obeyed. We do not consider the teaching of insurance in a college on a full-time basis as meeting the statutory requirement of being active on a full-time basis in the insurance business.

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