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Maine Guarantee Auth: (Leather Comfort Corporation)
10 M.R.S.A. 803-2

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333


October 17, 1977

To: Philip G. Clifford, 2nd, Maine Guarantee Authority
From: Donald G. Alexander, Deputy Attorney General
Re: Interpretation of Loan Guarantee Authority as Effected
by Subsidiary or Affiliate Corporations

This responds to the request in your memorandum of October 14, 1977, regarding the capacity of the Authority to extend guarantees to certain subsidiary or affiliate corporations in light of certain provisions of 10 M.R.S.A. § 803-2 limiting such extensions.

The provisions of 10 M.R.S.A. § 803-2 in question were repealed and replaced in 1975 by P.L. 1975, c. 566, § 14. The repeal and replacement was clear and unequivocal. In reviewing the question of repeal, the only matter to be looked at is the facts which occurred, here the repeal of the legislation. It will be difficult to determine whether such repeal was intended or unintended. Further, even if such a repeal of a statute was unintended, as you suggest, this lack of intention would not serve to bring a statute actually repealed back to life. Thus, in our view, the provisions of 10 M.R.S.A. § 803-2 (1974 ed.) limiting guarantees to affiliates and subsidiaries, are deemed repealed. Accordingly, the limitations expressed therein which limit guarantees to subsidiary or affiliate corporations do not exist.

I hope this responds to your request. We do not deem it appropriate to go beyond this narrow legal point in responding to your request as to the general eligibility of the application of Leather Comfort Corporation. Such questions of eligibility involve interpretations of many sections of law and should be made, in the first instance, by the Maine Guarantee Authority.


DONALD G. ALEXANDER
Deputy Attorney General