

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

county where the audit is performed, 30% by the state highway department and 20% by the department of inland fisheries and game;

V. Post-audit for teachers' colleges, etc. To perform a post-audit of all accounts and other financial records of the state teachers' colleges, the Maine port authority and the Maine forestry district;
(1957, c. 405, § 6. 1963, c. 402, § 16; c. 414, § 1.)

Effect of amendments. — The 1957 amendment changed the reference in subsection III from sections 142 to 151, inclusive, of chapter 91 to sections 24 to 26, inclusive, of chapter 90-A.

P. L. 1963, c. 402, § 16, deleted "judges and recorders of municipal courts, trial justices" following "superior courts" in subsection IV. P. L. 1963, c. 414, § 1, deleted "normal schools and" preceding "teachers' colleges" in subsection V.

As the rest of the section was not affected by the amendments, it is not set out.

Application of 1963 act.—Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Chapter 20.

Attorney General.

Sec. 1. Duties; salary; fees.—The attorney general shall appear for the state, the secretary of state, the treasurer of state, the bank commissioner, the insurance commissioner, the head of any other state department and the state boards and commissions in all civil actions and proceedings in which the state is a party or interested, or in which the official acts and doings of said officers are called in question, in all the courts of the state; and in such actions and proceedings before any other tribunal when requested by the governor or by the legislature or either branch thereof. All such actions and proceedings shall be prosecuted or defended by him or under his direction. Writs, summonses or other processes served upon such officers shall forthwith be transmitted by them to him. All legal services required by such officers boards and commissions in matters relating to their official duties shall be rendered by the attorney general or under his direction. Said officers boards and commissions shall not act at the expense of the state as counsel in any action or proceedings in which the state is interested. The attorney general shall have an office in the state capitol and shall receive an annual salary of \$11,000 in full for all services and in lieu of all fees. He shall receive his actual expenses incurred in the performance of his official duties while away from his home. During his term of service, he shall not be an officer or director of any corporation engaged in business for profit within the state of Maine. The attorney general shall be the executive head of the department of the attorney general, as heretofore established.

For approval of certificate of organization of a corporation under chapter 53, \$10 in advance.

For approval of certificate of change of purpose under chapter 53, \$10.

(1955, c. 473, § 5. 1957, c. 129, §§ 1, 2; c. 418, § 5. 1959, c. 361, § 5. 1961, c. 417, § 28. 1963, c. 396, § 3; c. 414, § 2.)

Effect of amendments. — The 1955 amendment increased the annual salary of the attorney general from \$7,000 to \$8,000.

The first 1957 amendment increased the fee of the attorney general in the third paragraph from \$5 to \$10 and inserted the last paragraph set out above as the fourth paragraph of this section. The second

1957 amendment, effective July 1, 1957, increased his annual salary from \$8,000 to \$9,000 and carried appropriations for the fiscal years ending in 1958 and 1959.

The 1959 amendment increased the salary of the attorney general from \$9,000 to \$10,000 and carried appropriations for the fiscal years ending June 30, 1960 and 1961.

The 1961 amendment deleted "suits and

other" preceding "civil" and added "actions and" following "civil" in the first sentence of the first paragraph. It also substituted "actions" for "suits" in three instances in the first paragraph.

P. L. 1963, c. 396, § 3, increased the salary of the attorney general from \$10,000 to \$11,000 and carried appropriations for the fiscal years ending June 30, 1964 and 1965. P. L. 1963, c. 414, § 2, added the last sentence in the first paragraph.

Sec. 4. Public charities.

Stated in *Pierce v. How*, 153 Me. 180, 136 A. (2d) 510.

As the rest of the section was not changed by the amendments, it is not set out.

Effective date. — P. L. 1959, c. 361, amending this section, provided in section 14 thereof as follows: "The provisions of this act shall become effective for the week ending August 22, 1959."

Cited in *Belfast v. Goodwill Farm*, 150 Me. 17, 103 A. (2d) 517.

Sec. 9. Consult with and advise county attorneys.—The attorney general shall consult with and advise the county attorneys in matters relating to their duties. If in his judgment the public interest so requires, he shall assist them by attending the grand jury in the examination of a case in which the accused is charged with treason or murder, and if in his judgment the public interest so requires, he shall appear for the state in the trial of indictments for treason or murder. He may institute and conduct prosecutions for all offenses against chapter 3-A, and for that purpose attend and present evidence to grand juries and assist them in the examination of witnesses and drawing indictments. He may, in his discretion, act in place of or with the county attorneys, or any of them, in instituting and conducting prosecutions for crime, and is invested, for that purpose, with all the rights, powers and privileges of each and all of them. Any or all of the powers and duties enumerated in this section may, at the discretion of the attorney general, be delegated to and performed by, the deputy attorney general or any assistant attorney general. The authority given under this section shall not be construed to deny or limit the duty and authority of the attorney general as heretofore authorized, either by statute or under the common law. (R. S. c. 17, § 9. 1951, c. 239. 1961, c. 257; c. 360, § 2; c. 417, § 29.)

Effect of amendments.—Chapter 257, P. L. 1961, divided the first sentence of this section into two sentences, inserted "if in his judgment the public interest so requires, he shall" in the present second sentence, inserted the present fifth sentence and made

other minor changes. Chapter 360, P. L. 1961, substituted "chapter 3-A" for "the provisions of chapters 3, 4, 5, 6 and 9" in the present third sentence. Chapter 417, P. L. 1961, re-enacted the present third sentence without change.

Chapter 20-A.

Administrative Code.

Editor's note.—P. L. 1963, c. 412, which amended §§ 1 to 10 and 11 to 13 of this chapter and added §§ 10-A and 14, provided in §§ 23 to 25 as follows:

"Sec. 23. Amendatory clause. Wherever in the Revised Statutes or in the public laws the words 'hearing officer,' as they relate to the Administrative Code, and the words 'hearing examiner,' as they relate to the state liquor commission, appear, they shall mean 'administrative hearing commissioner.'

"Sec. 24. Intent. It is the intent of the legislature that this act shall in no way affect the present tenure of the present

hearing officer and the present employees in the office of the hearing officer.

"Sec. 25. Intent and first administrative hearing commissioner. It is the intent of the legislature that this act shall in no way affect the present tenure of office of the present hearing examiner for the state liquor commission. The first administrative hearing commissioner under this act shall be the hearing examiner for the state liquor commission serving as such at the effective date of this act, and he shall serve until the expiration of his term."