

MAINE STATE LEGISLATURE

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STATE OF MAINE.

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1906.

AUGUSTA
KENNEBEC JOURNAL PRINT
1907

"We have examined the laws relative to your inquiries as to whether or not the State road law applies to plantations.

Revised Statutes, chapter 23, section 105, reads as follows:

"The word 'town' in the six preceding sections shall be construed as meaning cities, towns or organized plantations. Nothing therein contained shall be construed as changing the existing control of highways by counties or towns or as limiting or changing their liabilities therefor."

It would appear, therefore, as if the legislature expressly intended that plantations should receive the benefits of the State road law. Your attention, however, is called to the fact that in order to enable the city, town or plantation to obtain the benefit of the State road law certain requirements must be fulfilled. It is my opinion that such plantations as may be able to fulfill those requirements and do so, will receive the benefits provided for by such state road law.

We have not investigated the earlier statutes or all of the possible special acts of the legislature under which some of the existing plantations have been organized. In each individual case, it may perhaps be advisable to investigate into the organization of the plantation or any special acts which have been passed in connection therewith to ascertain as to all of the powers and purposes of the plantation thus acquired.

EXPENSE ACCOUNT OF STATE AND COUNTY OFFICERS.

P. L. 1905, Chap. 49. Its application to officers and members of the National Guard.

In June, 1905, the question was submitted to us by the Secretary of State under direction of the governor and council upon request of the adjutant general asking, in substance, if the law of 1905, chapter 49, requiring officers to render bills of expenses applied to commissioned officers, non-commissioned officers and other members of the National Guard.

Laws of 1905, chapter 49, as follows:

"Section 1. Every state and county officer whenever required by law to render a bill of expenses, shall itemize the same and make oath before presenting it for auditing or payment, that it

includes only actual cash outlay while in the performance of his official duties.

Section 2: This act shall take effect when approved."

On June 24, 1905, opinion was rendered to the Secretary of State, as follows:

"I have the honor to acknowledge your letter of the 20th inst. referring to me a communication from the adjutant general to the governor of Maine, asking, in substance, if the law of 1905, chapter 49, requiring State officers to render bills of expenses, applies to commissioned officers, non-commissioned officers, and other members of the National Guard.

The words, "State officer," may perhaps be used differently in different statutes. In the statute in question, however, I am inclined to the opinion that the words, "State officer," are intended to include such officers as receive their pay direct from the State, so that when bills are presented against the State, the State shall have the benefit of an itemized statement under oath as provided. If the bills in question are bills which can properly be paid by the adjutant general out of funds properly turned over to him, his itemized account and oath I should think would be practical and sufficient compliance with the law."

BIRTHS. RECORD OF IN UNINCORPORATED PLACES.

In December, 1905, the question was submitted to us by the Department of Vital Statistics as to where the report of a birth in an unincorporated place should be returned under R. S., chapter 61, section 26.

On January 3, 1906, opinion was rendered to the secretary and registrar of vital statistics, as follows:

"When at Augusta, I have tried several times to see you personally with reference to the inquiry made by you as to where the report of a birth in an unincorporated place should be returned, under R. S., chapter 61, section 26. A pressure of other duties has prevented my seeing you as desired.

The question submitted by you has given me considerable trouble, and although I have spent much time in its considera-