

MAINE STATE LEGISLATURE

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STATE OF MAINE.

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1910.

AUGUSTA

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school in Canada, but I can only advise you as to the powers given you by statute.

Respectfully yours,

WARREN C. PHILBROOK,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL.

WATERVILLE, MAINE, March 31, 1909.

Subject: Fees of officers for commitment to State School for Boys.

E. P. Wentworth, Supt., Portland, Maine.

SIR:—I have the honor to acknowledge receipt of your favor of March 19, 1909, asking opinion upon two questions as follows:

Question 1. Two boys, A and B, are conveyed by a deputy sheriff to the State School for Boys, from the officer's residence in the town of X and committed to the custody of the superintendent thereof by virtue of a single mittimus. The actual distance from the officer's residence in the town of X to the school by the usually traveled route is 150 miles. How much mileage is the deputy sheriff lawfully entitled to receive?

Question 2. If the two boys, A and B, were conveyed to the school at the same time by the same officer, but by virtue of two separate mittimuses, one for each boy, would the total amount of mileage lawfully chargeable by the officer be different from what it would be if the two boys were conveyed upon one mittimus?

Replying to the first question, it is my opinion that for the service of the single mittimus, although two persons were committed thereby, the officer would be entitled to six cents a mile each way, or travel for three hundred miles. The statutory provisions seem plain; "For travel actually performed * * * * six cents a mile each way, from the officer's residence to the place of the service of the precept, by the usually traveled route. * * * * Only one travel shall be allowed for any one precept, and no constructive travel." P. S. C. 117, Sec. 5.

Replying to the second question, where two or more precepts are served at the same time, and in making such services, the travel of the officer is all included in one trip, then it is my opinion that only one charge for travel should be allowed, otherwise the provisions of the statute giving fees "For travel actually performed", and forbidding fees for "constructive travel" would be idle and meaningless expressions.

Respectfully yours,

WARREN C. PHILBROOK,

Attorney General.

OFFICE OF THE ATTORNEY GENERAL.

WATERVILLE, MAINE, Sept. 28, 1909.

Subject: P. L. 1909, Chaps. 202, 228, State work to be done by contract.

George S. Bliss, M. D., Maine School for Feeble-Minded, West Pownal, Maine.

SIR:—Your favor of Sept. 25th is at hand asking my views regarding Chaps. 202 and 228 of the Public Laws of 1909, your special question being "do these laws allow of the Trustees of the institution doing construction by day work of over \$3,000, provided that no contract is signed for the same."

These two acts have been the source of quite a good deal of discussion and some have seemed to find some contradiction either in the spirit or the terms of the two acts. One was approved April 1 and the other April 2, but both went into effect the same day, viz., July 3.

It is a common and familiar rule of the interpretation of statutes that if possible statutes should be so interpreted as not to conflict with each other, if such a construction is possible. In this case I do not think there is any necessary or even implied contradiction of thought. Chap. 202 explicitly requires that on or after Aug. 1, 1909, all contracts for construction or repairs of buildings at the expense of the State, involving a total cost of more than \$3,000, shall be awarded by a system of competitive bids in accordance with the provisions of that act, and such other conditions and restrictions as the Governor and Council might from time to time provide.