

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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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.

Chap. 228 provides that when certain work *is* done by contract then certain provisions prescribed in the latter act as to advertising, etc., must be complied with. It would appear, therefore, that if any contract work is done whether the amount be large or small, under the provisions of Chap. 228, then the provisions of that chapter must be complied with. On the other hand, as I have said, Chap. 202 seems to require a contract in every case where construction or repair of buildings are at the expense of the State, involving a total cost of more than \$3,000.

To your specific question therefore, I think I must reply, that if your work is to cost more than \$3,000, you must have a contract and would further add that in such case the contract should not only take into consideration this obligatory provision but also the provisions of Chap. 228 as to advertising, preference to workmen, bidders, etc.

Respectfully yours,

WARREN C. PHILBROOK,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL.

AUGUSTA, MAINE, February 19, 1910.

Subject: Registration in Optometry.

*Albert M. Wentworth, Esq., Sec. Maine Board of Optometry,
Portland, Maine.*

SIR:— I am requested by the chairman of the Maine State Board of Registration and Examination in Optometry to write you an opinion as to whether the provisions of section 8 of chapter 105, P. L. 1909, forbid said board to act upon affidavits for registration received more than ninety days after said act took effect.

The question resolves itself to this, is the requirement that applicants for registration, who have been engaged in the actual and continuous practice of optometry, etc., "shall within ninety days" after said act takes effect file affidavits mandatory, or directory?