

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1914.

WATERVILLE
SENTINEL PUBLISHING COMPANY

1915

LICENSE TO SELL STOCK BY CORPORATIONS.

3rd January, 1914.

Hon. Harry M. Smith, Bank Commissioner, Augusta, Maine.

DEAR SIR: On examination of Section 1 of Chapter 209 of the Public Laws of 1913, it does not seem that a Dealers Registration would be required for a company to sell stock to its own stockholders. This, of course, would apply only in case the corporation did the selling itself. If they should employ an outside person to sell the stock, he would necessarily be registered as a dealer.

The same would, of course, be true where an individual was selling his personal stock as an investment, no registration would be required for this as it is not in any sense a dealing in securities.

Very sincerely,

SCOTT WILSON,

*Attorney General.*BOARD OF HEALTH.—DUTY AND EXPENSE OF
DISINFECTING.

8th January, 1914.

Dr. A. G. Young, Sec. State Board of Health, Augusta, Maine.

DEAR DOCTOR: In reply to your letter of December 30th, addressed to the Attorney General, permit me to say that in cases arising under Chapter 78, Public Laws of 1909, the option seems to be with the owner as to whether he shall disinfect at his own expense, in case he does not so elect, however, it is then the duty of the Board of Health to disinfect.

As to the expense: If the owner does the disinfecting, it is expressly provided that he shall do it at his own expense; if, however, the local board of health permits that duty, it is at the public expense, which I understand in this case, to be at the expense of the town or city. I should hold that the town or city must pay all the reasonable bills contracted by the local board of health in performance of these duties, subject to such

powers as the city or town may have over it under Section 28 of Chapter 18 of the Revised Statutes. Persons employed by the board of health in this work, and I should say any person furnishing any materials for the purpose, could recover for the same from the city or town.

I should lay this down as a general rule, possibly exceptional cases might arise, but if so, local counsel could advise the boards of health in relation thereto.

Very sincerely,

SCOTT WILSON,

Attorney General.

HIGHWAYS.—PROCEDURE OF VOTING FUNDS FOR STATE AID HIGHWAYS IN CITIES.

14th January, 1914.

*Paul D. Sargent, Chief Engineer, State Highway Commission,
Augusta, Maine.*

DEAR SIR: In the matter of interpretation of Section 20 of Chapter 130 of the Public Laws of 1913 as to whether it applies to cities in so far as it requires a submission of the question of raising money for State aid highways to the voters thereof at their annual meeting, I have examined the statute and it seems to me that while Sections 19, 20, 21 and 22 by their terms and by the express provision of Section 2 of the Act, do apply to both cities and towns, yet I do not feel that it was the intent of the legislature to require that the question of raising money for State aid highways in cities should be submitted to the voters of the city, and in my opinion, it would be sufficient for this question to be submitted to the city council of the several cities as the body having charge of the appropriations of money.

I should, however, recommend that this be made clear at the next session of the legislature.

Very sincerely,

SCOTT WILSON,

Attorney General.