

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

August 3, 1921

To Hon. Percival P. Baxter, Governor of Maine
Re: Lack of Courtesy shown by Inspectors

. . . The Agricultural Commissioner, under the provisions of Chapter 38, Section 13, of the Revised Statutes, has power to formulate rules and regulations for the protection of vegetation in Maine against crop pests, and a commission consisting of the Governor, Attorney General, Commissioner of Agriculture and two officials of the State Experiment Station adopted rules authorizing the agents of the Agricultural Department to act with the Federal agents at boundary points to prevent the introduction into Maine of the European Corn Borer, and for that purpose authorized the search of vehicles coming into Maine and the seizure of all corn coming from infested districts. This seems to be a wise provision and, if properly administered, would be advantageous to the State.

The difficulty seems to be that the agents who are authorized to enforce the law are acting without discretion. They undoubtedly had the right to stop the car coming from New Hampshire into Maine and also had the right to examine the corn and seize it, if infected, or if it came from an infected district; but they had no right to be discourteous, nor had they any right to seize the corn, which really belonged in Maine, if they believed the claim of the one who had the corn in possession. As the agents were acting under Federal authority, the State of Maine probably has no power over them, but it might be well to suggest to the superior officer over these men to give every one proper and courteous treatment. . .

Guy H. Sturgis
Attorney General