

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)

PUBLIC DOCUMENTS

OF THE

STATE OF MAINE

BEING THE

REPORTS

OF THE VARIOUS

**PUBLIC OFFICERS
DEPARTMENTS AND
INSTITUTIONS**

FOR THE TWO YEARS

JULY 1, 1926 - JUNE 30, 1928

PUBLIC DOCUMENTS, 1926-28

(Explanatory Note)

Three reports in this volume cover periods in variance with the given biennium. They are as follows:

1. The report of the Attorney General covers the period from 1924 to 1928.
2. The report of the Bangor State Hospital covers the period from 1919 to 1928.
3. The report of the department of Inland Fisheries and Game covers the fiscal year ending June 30, 1928. No printed report was made for the fiscal year ending in 1927.

STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

JUNE 30, 1928

May 11, 1927.

Hon. Ralph O. Brewster, Governor of Maine, Augusta, Maine.

DEAR GOVERNOR BREWSTER: I have your inquiry relative to the construction of a Resolve passed by the last legislature in favor of the town of Skowhegan, which resolve reads as follows:

"Resolved: That there be, and hereby is, appropriated the sum of twenty-five thousand dollars to aid the town of Skowhegan in the construction of a bridge across the Kennebec river, at some point below the existing railroad bridge.

This bridge shall be constructed under the provisions of the bridge act, so-called, and construction work shall be started in the year nineteen hundred twenty-seven."

This resolve appropriates \$25,000. "to aid" Skowhegan in constructing a bridge "at some point below the existing railroad bridge", and by the resolve the legislature says "this bridge shall be constructed *** and construction work shall be started in the year nineteen hundred twenty-seven." Further, the legislature has determined that it shall be constructed "under the provisions of the bridge act".

The Bridge Act, so-called, is Chapter 319 of the Public Laws 1915 (printed as an appendix to the Revised Statutes) as amended by Chapter 304, Public Laws 1917; Chapters 140, 162, and 243, Public Laws 1919; Chapters 50 and 143, Public Laws 1921, and Chapter 193, Public Laws 1923.

Under the Bridge Act either the municipal officers of the town, the county commissioners of the county, or the State Highway Commission may petition, and form a joint board composed of these three bodies, to determine the "public convenience and necessity" of building or rebuilding a bridge "on a main thoroughfare", and to determine the type of construction, the general dimensions, cost, etc. The State Highway Commission prepares for this joint board all plans and specifications and estimates of costs. "On each question arising in all meetings of joint boards each component body shall have one vote." See Chapter 193, Public Laws 1923.

It is a familiar rule of construction of statutes that the legislative intention is to control; and when in one act or resolve a reference is made to an existing law in prescribing the general manner in which a particular thing shall be done, only those parts

of the existing law which are necessary to carry out the intent are construed as incorporated into the new law.

Under the terms of this resolve, therefore, the public convenience and necessity for a bridge has been determined by the legislature. Where the bridge is to be built is not determined. Neither is the type of construction, nor the cost. The legislature has only said that a bridge shall be constructed somewhere across the Kennebec River below the existing railroad bridge and work commenced sometime in the year 1927. Upon these undecided points, the joint board, on petition of either the municipal officers of the town of Skowhegan, the County Commissioners of Somerset County, or the State Highway Commission, must meet and act, before any work is started on any bridge at any point as a result of this legislation.

Respectfully yours,

RAYMOND FELLOWS,
Attorney General.

May 13, 1927.

Hon. Ralph O. Brewster, Governor of Maine, Augusta Maine.

DEAR GOVERNOR BREWSTER: In relation to the construction of Chapter 71, approved April 4, 1927, and Chapter 157, approved April 15, 1927, of the Public Laws passed by the last legislature, this is to advise you that it is the opinion of this Department that both of these acts take effect ninety days after adjournment of the session and should be construed together.

Courts have uniformly held even where one act takes effect previous to the other that there is no implied repeal where the acts were passed at the same session of the legislature. Effect should be given, if possible to do so, to all statutes enacted at the same legislative session and where two acts relating to the same subject are enacted at the same session, "The courts will exhaust all resources of interpretation before coming to the conclusion that there is irreconcilable repugnance between them, and that one repeals the other." As was stated by the Massachusetts Court in *Com. vs. Huntley*, 156 Mass. 236, 15 L. R. A. 839, "It is to be borne in mind that these two statutes were both passed at the same session of the legislature and took effect on