

MAINE STATE LEGISLATURE

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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

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

the same day. This is strong evidence that they were intended to stand together." The fundamental rule in construing statutes is to ascertain and give effect to the intention of the legislature as expressed in the statutes, and amendments are construed together with the original act to which they relate as constituting one law.

The intention of the legislature as expressed in these two laws is plain. By Chapter 71 an amendment is made by striking out the word "county" in Section 5 of Chapter 117 of the Revised Statutes and inserting in place thereof the word "town" and by adding at the end of said section the provision that each Justice of the Supreme Judicial Court shall be reimbursed to the extent of one thousand dollars for clerical assistance. The remainder of Chapter 71 provides for a repeal of Chapter 159 of the Public Laws of 1925, relating to court reporters and strikes out the last sentence in Section 167 of Chapter 87 relating to duties of the reporter for the Chief Justice.

These are the only amendments provided for in Chapter 71, the salary of the Justices not being changed by these amendments. By Chapter 157, however, the annual salary of the Justices of the Supreme Judicial Court is increased by changing the words "six thousand" to "eight thousand" and no reference is made in this chapter to the amendments considered and adopted by the legislature a few days previously. These amendments are not repugnant or inconsistent. The Legislature intended to provide for clerical assistance, to increase the salaries, and to provide for payment of expenses of Justices when holding court in towns other than the place of residence, and to change the law applicable to court stenographers.

"It is perfectly evident that the legislature intended to make two amendments****. This it did by two separate acts, each one of which in reciting the section as amended necessarily recited it as though the other act did not exist, because such other act had not become a law and non sequitur that it ever would become one. Both, however, finally by the approval of the governor became statutes of the State at the same time." Mr. Justice Powers in *Stuart v. Chapman*, 104 Me. 24.

Respectfully yours,

RAYMOND FELLOWS,
Attorney General.