

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, 1928 - JUNE 30, 1930

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1929-1930

legal adviser has to accompany such an opinion with the cautionary statement that very slight facts make a difference as to the application of one rule of law or another. The rules of law we can be fairly sure of, only a court decision will show the particular application.

Very truly yours,

CLEMENT F. ROBINSON

Attorney General

SUNDAY LAW

November 26, 1930

Reverend F. L. Littlefield,
Bath, Maine

Dear Mr. Littlefield:

I have yours of November 17 with reference to the operation of miniature golf courses on Sunday. I appreciate very much the very temperate tone of your letter. I can see that you appreciate that it is not merely a question of law, but also of public policy.

You suggest that the State might properly take a hand in the matter. This raises another question of policy which is more obvious to one acquainted with our governmental traditions than to the private citizen. Under our system of government local authorities are elected and vested with the duty of administering the criminal laws of the State. There is a natural feeling on the part of local officials that they should ordinarily be free from state interference. This feeling has a very real historical and constitutional basis.

There is no doubt of the constitutional power and duty of officials at the State House with respect to the local administration of these laws, but this is not called into play locally except on the request of local officials, or where there has been substantially a breakdown or where crimes of unusual gravity are concerned, typically, capital crimes or crimes involving the fundamental organization and efficiency of the government.

Applying these general principles to the situation which you outlined, it seems to me clear that the working out of the Sunday Law in your community is for the local officials who would have reasonable ground to take it amiss if authorities from Augusta should interfere without their request.

Two practical considerations may have some weight. First, that the incoming legislature will probably consider further the whole question of Sunday observance and may by legislation indicate a public policy one way or the other which is now somewhat uncertain. Second, it is not unlikely miniature golf courses will go as quick as they have come.

Your letter raises fundamental questions of governmental policy which are difficult to work out satisfactorily in specific instances but which are fairly clear of definition in theory and principle.

Very truly yours,

CLEMENT F. ROBINSON

Attorney General