

# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT

OF THE

ATTORNEY GENERAL



for the calendar years

1941--1942

Paragraph 3 of Section 41 provides for the issuing of licenses to non-residents and aliens, and here again the words are "having procured from the commissioner or his authorized agent" instead of "shall purchase" as in the case of the fishing license. The second section of Paragraph 3 provides that the licenses "shall be issued on payment" of certain fees and, by implication, makes the payment of the fee a condition precedent to the issuance of the license.

The fact that the legislature apparently intended that the wording of Section 41, having to do with hunting licenses, should have the same meaning as Section 19, having to do with fishing licenses, seems to be further evidenced by the language of Paragraph 6 of said Section 41, where it provides that "Any non-resident under the age of 16 years ..... may buy a ..... hunting license" and so forth.

It is my opinion, therefore, that there is no statutory authority for the issuing of either hunting or fishing licenses without the payment of the fee set by the legislature for the particular class or type of license issued.

Very truly yours,

FRANK I. COWAN

Attorney General

January 30, 1941

To The

Honorable Nathaniel Tompkins  
President of the Senate, and  
Honorable George D. Varney  
Speaker of the House of Representatives

Gentlemen:

I have the Order H. P. 455, dated January 23, 1941 requiring my report on the amounts recovered from the former controller William A. Runnells, and asking whether or not the case is closed.

According to the records of the State Treasurer and the State Auditor, recoveries in the Runnells case have been as follows:

Cash in brief case returned .....	\$26,420.00
Cash received at settlement of Bill in Equity .....	25,649.40
Dividends received on Stocks, plus Cash found in desk .	556.47
Cash received from sale of Stocks .....	1,414.05
Interest received on Postal Savings Acct. ....	36.50
Total .....	<u>\$54,076.42</u>

In addition, the State has taken title to a Packard automobile which it is offering for sale at \$600.00, a House Lot in the City of Hallowell which has an estimated value of \$1,000.00; Books comprising the personal library of Mr. Runnells; and various articles of personal property now stored in the State House. These will all be converted into cash as soon as a purchaser can be found.

Mr. Runnells has been adjudged guilty of embezzlement, and I am informed has received a maximum sentence of 10 years in State's Prison.

In reply to the question as to whether or not the case is closed, please be assured that no case that comes into the Attorney General's office will be closed while there remains any possibility of making recoveries for the State.

It is not the intention of your present Attorney General to close this case on the records until I am positive that all possible means of recovery for the State have been exhausted.

Respectfully submitted,

FRANK I. COWAN  
Attorney General

February 7, 1941

From:  
Frank I. Cowan, Attorney General

To:  
William D. Hayes, State Auditor

*In re Railroad Tax Apportionment*

I have your inquiry of January 30th, 1941, in regard to Council Order No. 18, dated January 4th, 1939. The subject is covered by an opinion of the Justices in 136 Maine, Page 529. The court there expressly ruled that the shares of stock "held" in a city or town which is the corporate domicile of the lessee of a railroad, shall be considered as so "held" for the purpose of apportionment to that city or town of the share of the tax represented by the stock so "held".

The court ruled expressly on the question of apportionment in the case of the Portland and Rumford Falls Railroad, the Portland-Ogdensburg Railroad and the Portland Railroad Company.

This opinion of the Justices takes precedence over any opinion that may have been given heretofore by an Attorney General.

Very truly yours,

FRANK I. COWAN  
Attorney General