

MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT

OF THE

ATTORNEY GENERAL



for the calendar years

1941--1942

Municipalities are not liable for injuries occurring to persons when those persons are availing themselves of the governmental functions of a municipality. Carrying on a school is such a function.

As to the possible liability of individual teachers, it must be apparent that the answer must lie in each specific case, and that a teacher can be liable only for negligence directly attributable to him.

Very truly yours,

FRANK I. COWAN

Attorney General

March 20, 1941

Elmer W. Campbell, D. P. H.
Chief Clerk, Board of Barbers and Hairdressers
State House
Augusta, Maine

Dear Doctor Campbell:

I have your communication of March 20th, in regard to application of P. L. 1937, Chapter 190, Section 21, in cases where towns have increased in population so that they are now in excess of 1000.

You have no option except to require that persons operating barber shops in towns having a population of over 1000 according to the last census shall secure licenses.

The date January 1, 1938, is restrictive and you have no authority to set a later date at which an application for a license can be filed.

Very truly yours,

FRANK I. COWAN

Attorney General

March 25, 1941

From:
Frank I. Cowan, Attorney General
To:
Hon. James K. Chamberlain, Chairman
Joint Committee on Taxation

I have been asked to give an opinion of the constitutionality of a statutory provision placing a different rate of taxation on realty from that assessed against personalty. The State Constitution, Article IX, Section 8, reads as follows:

"All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof."