

# 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)

STATE OF MAINE

---

REPORT

OF THE

ATTORNEY GENERAL

---

for the calendar years

1941--1942

and may prevent the commission of certain types of misdemeanors such as stretching out a hand to prevent a rock from being thrown through a window, or restraining an assailant from striking another person. In such cases, however, there is no protection for the man acting as peacemaker if he uses more violence than the facts warrant, or if he is mistaken when he thinks the person he restrains is in the act of or about to commit a crime, and good intentions are no defense.

Therefore, in the suppression of riots and mob action, the private citizen should, in general, act only when he is commanded to do so by a properly constituted officer. Otherwise we might have the case of a conflict between two mobs rather than an orderly suppression of crime by a properly disciplined body or group of citizens.

I trust this gives you the information you desire.

Very truly yours,

Attorney General  
State of Maine

May 29, 1941

J. A. Mossman  
State Controller  
Augusta, Maine

Dear Sir:

I have your memorandum of May 27th calling attention to a requested opinion in connection with Carlton Bridge Special Maintenance Account.

It is improper practice for the State to pay interest on any sums ordered refunded by the Legislature unless there is definite instruction from the Legislature or an order of court. In connection with the Carlton Bridge Account, I can see in the Legislative Act of 1939, no authority whatsoever for paying to the railroad company interest on the money refunded.

Very truly yours,

FRANK I. COWAN  
Attorney General

June 5, 1941

Marie J. Tibbetts  
Legislative Reference Librarian  
Maine State Library

Dear Madam:

I have your letter of June 3rd, asking in regard to the disposal of Maine Reports, Laws and Statutes in Judge Dunn's library.

Under Sections 17, 18 and 19 of Chapter 4 of the 1930 Revised Statutes, the volumes sent to the towns and plantations, to state, county or town officers, and to the several town and public officers in the State, distinctly remain the property of the State. Section 20 provides for distribution to various public officers, but it is noteworthy that the only place where the word "given" appears is in connection with State Departments and Institutions.

It is obvious that the volumes furnished to a Justice of the Superior or Supreme courts are for the library he uses in connection with his public duties as an officer of the State, and title does not pass to him as an individual. Section 18 expressly provides that if said office becomes vacant, the books shall be turned over to the officer's successor in office.

What I said above in regard to Section 20, applies with equal force to Section 21. Although the books sent to persons who are not officials of the State of Maine may become the property of the persons to whom sent, that is not true if the recipient is such an official.

In my opinion, under Section 19 every Maine Report, copy of the Revised Statutes, copy of the Public Laws or copy of the Digest distributed by the State Librarian to the several town and public officials, should be stamped as provided in said Section, but volumes sent to libraries, ex-Governors, United States Senators and members of Congress, to Federal officials, to the Library of Congress and the Maine State Bar Association, should not be so stamped.

Very truly yours,

FRANK I. COWAN

Attorney General

June 14th, 1941

Mr. Miles B. Mank  
Chairman, State Racing Commission  
State House  
Augusta, Maine

Dear Sir:

I have carefully considered your questions in regard to interpretation of Section 20 of Chapter 130 of the Public Laws of 1935. This section expressly provides that "Every person, association or corporation conducting a race . . . within 60 days after the conclusion of every race meeting shall submit to the commission a complete audit of its accounts certified by a public accountant qualified to practice in the state of Maine and approved by the commission."

This language, since it requires the employment of a qualified public accountant for the audit, by implication, of course, puts the bur-