

# MAINE STATE LEGISLATURE

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STATE OF MAINE

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REPORT

OF THE

ATTORNEY GENERAL

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for the calendar years

1941--1942

I believe these current maturity dates should properly be treated as creating current obligations, but they are secondary in moral effect to the obligation to feed the poor, support the schools, police, fire department and the other necessary living expenses of the city.

4. Status of principal of bonds having maturity dates prior to December 23, 1937?

Answer: This is a past obligation and should not be treated as creating a current debt.

5. Status of interest on bonds?

Answer: Here again you have a current obligation second in effect to the immediate cost of operation of the city.

All of the above matters can be treated as current and if the city were solvent they certainly should be so treated but the extent of insolvency gives you a practical rule in deciding to what extent you will regard these as current. The problem is actually an administrative one and not a legal one.

Very truly yours,

July 25, 1941

Earle R. Hayes, Director  
Bureau of Personnel  
Augusta, Maine

Dear Sir:

I have your letter of July 23, informing me that in December, 1937 a rule was included among your Rules and Regulations which provided that: (1) so far as new appointments to the service, and/or (2) promotions within the service were concerned, council orders should be presented to the Governor and Council covering such items, in much the same manner as had been in effect prior to the enactment of the Personnel Law.

Careful consideration of the law is conclusive that such a rule violates both the letter and spirit of the law. The Personnel Board have no authority to delegate any part of their duties; and by the express terms of the Act they are prohibited from subordinating their judgment in appointments or promotions to that of any other person or group of persons.

Very truly yours,

FRANK I. COWAN

Attorney General