

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

October 15, 1941

From:

Frank I. Cowan, Attorney General

To:

Belmont Smith, Treasurer of State

In re Section 42, Chapter 13, R. S. of 1930. Sale of Forfeited Lands

You ask an answer to:

1. Is it your opinion that notice must be served on the tax payer personally or at his last place of residence by a deputy sheriff?

Answer: Personally by a deputy sheriff unless he lives or has recently lived on said land, in which case service may be "at the last or usual place of abode on said land."

2. If your answer to the above is in the affirmative, will it be permissible under the law to add the cost of serving this notice to the tax?

Answer: Costs of service should be added to the tax (see R. S. 1930, Page 269, line 3).

3. Do you interpret the law to mean that such notice by a deputy sheriff must be served only in cases where the owner resides or has maintained a tenant on the land during the preceding twelve months?

Answer: Yes.

4. If your answer to the question above is in the affirmative, what sort of notice must be served on non-resident tax payers in order to effect a legal sale of the land?

Answer: The newspaper publication will be sufficient in case of non-resident owners.

Attorney General

October 15, 1941

From:

Frank I. Cowan, Attorney General

To:

Henry P. Weaver, Chief State Police

I have your memorandum of October 13th in regard to fines and costs accruing to State where State Police are arresting officers.

There is no justification for the State of Maine furnishing witnesses without charge in civil proceedings. When a State police officer or any other State official is called as a witness in a civil action, the same travel and per diem allowance should be made to him as to any other witness.

Of course, if he is using the time of the State, the per diem goes to the State Treasury. If his travel is regularly charged against the State, then the amount received as a witness fee in a civil action for travel will go back into the State Treasury. If his travel is not a matter of expense to the State, as for instance if he has a State motor vehicle assigned to him but uses some other means of transportation to get to the place of trial, then the travel allowance may be properly retained by him.

Attorney General