

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

had in mind, in passing the original act, that the borrowing association might be in need of money and a source from which it could be procured was provided.

That is exactly the situation that we have in the present case. An association needs some money and a pool has been arranged, and the Maine association is asked to be a contributor to that pool. I see no valid objection in the law to the Maine Loan and Building Association making the Loan to the Dexter Loan and Building Association.

Very truly yours,

FRANK I. COWAN
Attorney General

January 5, 1942

From:

The Attorney General's Office

To:

William D. Hayes, State Auditor

In re Expense Account—County Commissioners

Expense accounts of County Commissioners may be many and include a multitude of things; it is practically impossible to make any definite statement relative thereto.

Section 43 of Chapter 125, R. S., provides that they be allowed actual necessary expenses incurred outside of their respective counties for the transaction of official business; and expense incurred at public hearings away from the County Seat, and also such expenses as are provided for in Section 26 of Chapter 92, R. S. (Actual traveling expense).

Under the "Bridge Act", Chapter 28, R. S., Section 62, the county commissioners act with the Highway Commission and are evidently entitled to receive their required expense for travel, etc.

Under the provisions of Chapter 27, R. S., the commissioners are to lay out, alter and discontinue highways; they are required to fix boundaries of ways the location of which is lost.

"When a petition is presented respecting a way in two or more counties, the commissioners receiving the petition may call a meeting of the commissioners of all the counties," etc. . . .

In all the foregoing cases it is evident to me that the commissioners are entitled to their travel and expense while away from their office. All their expense bills have to be approved by the County Attorney and Clerk of Courts which appears to me to be a pretty good check. The Board's fee for travel is 10 cents a mile.

The Board of County Commissioners is a Court, having a seal and clerk. (91 Me. 58)

"Hearings on petitions for laying out, altering or discontinuing ways are required to take place at the place of meeting fixed at the discretion of the commissioners, or at a place in the vicinity."

"When the petition for location was before them, the statute required of them a personal view in order that they might thereby acquire a full knowledge of the nature and situation of the premises."

The Kennebec County Commissioners expense accounts appear to me to be reasonable and in accordance with the statutes as follows:

"Mileage for auto when on official duty attending road hearings at 10 cents per mile, meals when away from their official station, (Augusta) and any necessary expense they would have in connection therewith.

Several years back the Commissioners arranged with the Treasurer's office to audit, assemble and to put into book form the Bills of Cost of the five Municipal Courts of the County and to prepare totals showing the amount due and payable to officers, witnesses etc. at the end of each quarter, as they have no facility for doing this work, and for doing this work they have allowed the amount of \$250.00 yearly payable quarterly, which amount has been appropriated in the budget of their department, and charged to expense of same.

They are allowed for stamps and office material that is required."

SANFORD L. FOGG
Deputy Attorney General

January 6, 1942

From:
The Attorney General's Office

To:
Dept. Audit—Harold E. Crawford, Municipal Auditor

In re Your Question "May the County Commissioners' Chairman be a Trial Justice?"

In my opinion there is no constitutional or statutory reason why the same person may not hold both offices at once.

The rule seems to be that offices are incompatible when the holder cannot in every instance discharge the duties of each, and I can conceive of no circumstance where the office of county commissioner would interfere with the performance of duty by a trial justice. In this connection I call your attention to Section 8 of Chapter 92, R. S., as follows:

"No person holding the office of county commissioner shall at the same time hold either the office of mayor or assessor of a city, or selectman or assessor of a town."

SANFORD L. FOGG
Deputy Attorney General