

# 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

Rather a surprising distinction between the apparent meaning of a word when used in two different sections of the same statute is to be found in the said Chapter 325 in regard to employees. In Section 2, the word employee is primarily used in its strict meaning. In Section 4, on the other hand, we have a provision for automobile mileage allowance. Inasmuch as privately owned automobiles are used by some employees of the State in all classifications, it is obvious that the word employee, when used in Section 4, includes every person regularly employed by the State. Therefore, a distinction, such as I have called attention to above, between employee and officer, does not, in my opinion, apply to said Section 4.

Attorney General

January 30, 1942

Honorable George J. Wentworth  
Councillor, First District  
Kennebunk, Maine

Dear George:

In reply to your query as to whether or not the County Commissioners may spend the county's money for advertising the county and its natural resources, the answer is, "No." The powers of the County Commissioners are wholly of the delegated type. They have no inherent rights to spend the money of the county except as authorized by statute, and there is no such statutory authority.

As you will recall, the County Commissioners biennially submit to the Legislature their detailed estimates as to expenditures for each of the following two years and the estimates have to meet legislative approval before they have the authority to spend the money. Any emergencies can be met through the issue of bonds up to \$10,000, but in my opinion advertising the county's resources would not be such an emergency.

Very truly yours,

FRANK I. COWAN  
Attorney General

February 11, 1942

From:  
Frank I. Cowan, Attorney General

To:  
George J. Stobie, Commissioner  
Fish and Game Department

*In re Archer L. Grover, Deputy Commissioner*

I have your memo of January 28th asking whether time spent by Archer L. Grover as instructor at the University of Maine will in any way help him toward receiving a State pension if he retires at the present time.

The answer is that it will not. The University of Maine is not such a State institution that time spent in its employ can be reckoned as time spent in the employ of the State of Maine. Our Law Court, in the case of *Orono v. Sigma Alpha Epsilon fraternity*, 105 Maine 214 to page 219, used the following language:

"The University of Maine while chartered by the State and fostered by it especially in recent years, is not a branch of the State's educational system nor an agency nor an instrumentality of the State, but a corporation, a legal entity wholly separate and apart from the State."

Attorney General

February 19, 1942

From:

Frank I. Cowan, Attorney General

To:

J. A. Mossman, State Controller

*In re Your Memo of February 16; Bounty on Bobcats*

Inasmuch as an interpretation of the Public Laws of 1937, Chapter 205, requiring that the person killing a bobcat sign a certificate under oath within five days, would make it impossible for most trappers to collect any bounty, and since it was the intention of the Legislature to encourage the killing of bobcats and the bounty provision was expressly written for that purpose, the only proper construction of the statute is that the exhibition of the bobcat to the warden must be made within the five days. The actual signing and swearing to the certificate can take place any time thereafter, but is, of course, a condition precedent to the payment of any bounty.

Attorney General

February 19, 1942

From:

Frank I. Cowan, Attorney General

To:

Henry P. Weaver, Chief  
Maine State Police

*In re Arrest in Criminal Cases by (1) State Detectives and  
(2) Insurance Inspectors*

(1) Under the provisions of Revised Statutes, Chapter 142, Section 18, detectives appointed under the provisions of Section 17 of said Act "have the same authority to arrest in cases of offenses under Chapter 131 and the first Sections of Chapter 136, and of felonies in any part of the state, and shall receive the same fees as sheriffs in similar cases. No extra compensation shall be paid to them in any case from the state or county treasury."