

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

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."

Chapter 131 has to do with larcenies. The first thirteen Sections of Chapter 136 have to do with gambling and search for implements of gambling.

(2) An insurance inspector has no authority to make arrests. The sole authority in his case is Chapter 35, Section 52, authorizing the Commissioner to have investigations made and using the following language: "If he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or incendiari-ism, he shall cause such person to be arrested and charged with such offense"

Attorney General

February 20, 1942

From:

Frank I. Cowan, Attorney General

To:

George E. Hill, State Tax Assessor

In re Payment of Fire Bill in Deorganized Township

I have your memo of January 26th in regard to the Plantation of Concord. The State Tax Assessor, in my opinion, has authority to use funds in his hands belonging to the former Plantation for payment of the bill rendered by the Town of Bingham for aid in putting out a forest fire. It is a current item and as such should be paid if there are funds available.

You say that Concord is not a part of the Maine Forestry District. If this is correct the Public Laws of 1939, Chapter 211, provides for its being placed in the Forestry District. Thereafter, the Forest Commissioner can act to protect the property under the terms of Public Laws of 1939, Chapter 224, and taxation is assessed accordingly under the provisions of the Forestry District law, which appears in Revised Statutes, Chapter 11, Section 68ff.

Attorney General

February 24th, 1942

W. Mayo Payson, Esq.
Corporation Counsel
City Hall
Portland, Maine

Dear Mayo:

I have your letter of February fourteenth in regard to special deputies and police, and I agree with you that designations by the Governor of persons with the powers and immunities of constables will, in many cases, be much wiser than to put in additional special police and deputies.