

# MAINE STATE LEGISLATURE

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STATE OF MAINE



REPORT

OF THE

ATTORNEY GENERAL



for the calendar years

1941--1942

If Messrs. A, B and C each own an automobile, but Messrs. D and E do not, it is obvious that Messrs. D and E will have to obtain transportation by some means. If there is insufficient means for transportation by public utilities in the area involved, then we can properly allow D and E to contribute a small amount to help out on the cost of upkeep and operation of the automobile of the neighbor in which they ride, although a fixed charge by the neighbor, even though it is based on the operation and upkeep, will be a violation of the law. In other words, Mr. A cannot let it be known that he will transport workers for a certain amount. The minute he does that he is competing with the public utilities companies. If, however, he gives a neighbor a lift and permits the neighbor to help out by buying some gas or some oil there can be no objection.

If there is adequate public utility transportation service to take care of all workers who have not automobiles of their own, then any cash payments for transportation made to persons not holding public utility licenses will be a violation of the law. We get down to the question of whether or not, as a matter of fact, there exists in the various areas to which this problem applies sufficient means of transportation by licensed carriers so that there is no necessity for private individuals going into the bus business. Where emergencies exist we must recognize them and apply the law accordingly. Where no emergencies exist we must insist on a strict compliance with existing statutes.

We must be sure that we do everything possible to further the war effort, but at the same time we must insist that the war effort shall not be used as an unnecessary excuse for breaking down our governmental structure which has been built up through many years of effort and the chief object of which is to better protect the rights of the people of the State as a whole, and also protect the rights of the private individual. It is not every time that a person demands a waiver of the law on the ground of a public emergency that such waiver is justified. If there is a method of procedure that will take care of the situation that arises and at the same time will not permit any relaxing of our enforcement of existing statutes, that is the procedure we should follow.

FRANK I. COWAN  
Attorney General

April 24, 1942

William B. Mitchell, Secretary  
Business Men's Association, Inc.  
Old Orchard Beach, Maine

Dear Sir:

I have your letter of April 8th in regard to daylight saving time. Under the limitations of R. S. Chapter 91, Section 82, the Attorney General is not permitted to give official opinions except to the State

or State Departments. I cannot, therefore, give you an official opinion on this matter and must leave it to your private attorneys.

Unofficially, I can say that "war time", so-called, does not exist in Maine. That expression is a very happy one suggested by the President to assist those States whose Legislatures were not in session at the time when Congress passed the new standard time act. Such States had to go through the bunglesome process of adopting a daylight saving time rule by Executive Order, the result being one of very dubious legality. In Maine our Legislature happened to be in session and picked up the Federal act and adopted a new standard time law for Maine so that standard time in Maine is the same as standard time set by act of Congress.

There is no restriction in our law on any individual, group or municipality, or on the State itself, setting clocks in any fashion desired. Eastern standard time is the official time and courts have to function on that time. Contracts operate in accordance with that time unless there is something expressly stated to the contrary in the contract itself.

If any or all the people of Old Orchard Beach or any other municipalities in the State want to set their clocks at any time different from Eastern standard time, they are at perfect liberty to do so. They can set their clocks ahead an hour or set them back an hour and adopt any other system of time they see fit. The one thing they can't do is change legal time which is the Eastern standard time set by Congress and adopted as such by our Legislature.

Very truly yours,

FRANK I. COWAN  
Attorney General

From:  
Frank I. Cowan, Attorney General

April 27, 1942

To:  
Department of Insurance

You have requested from this office an opinion as to the endorsement which should be prescribed by your department under the provisions of the financial responsibility law of Maine as amended in 1941. Section 91 contains the definitions which control the subsequent sections of the statute wherein the filing of proof of financial responsibility is required.

Subsection VI of Section 91 defines "certificate". An insurance company authorized to transact the business specified in Chapter 60 of the Revised Statutes may issue a certificate that it has issued a motor vehicle liability policy covering the particular motor vehicle trailer or semi-trailer involved in an accident.

Subsection VII defines "motor vehicle liability policy". This is a policy of liability insurance providing indemnity for the operation of