

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

---

REPORT

OF THE

ATTORNEY GENERAL

---

for the calendar years

1941--1942

pens that a sheriff or a constable demands a particular bond before he will obey some court precept, in order to protect himself if it turns out that he has been guilty of an unlawful attachment or a false arrest.

4. I find no liability whatsoever on the part of the State in connection with the activities of municipal auditors and bank examiners. They are performing governmental functions. Presumably, they are selected with great care and their antecedents checked before they are given employment. There is a possibility that there might be liability on the part of the State, if some notorious character, well known to be dishonest, were employed by either the State Banking Department or the State Auditor and while engaged in this employment purloined funds which were passing through his hands. However, it is extremely doubtful if there would be any liability on the part of the State even under such circumstances as the above case, because of the fact that the man is employed in a governmental function.

5. In view of the fact that the statute places on the State Auditor and the State Commissioner of Finance the burden of determining who shall be bonded, it would be a presumption on my part to attempt to tell you just what you shall do and what you shall not do. In courtesy to Mr. Mossman, however, I will say that we agree with the last sentence in his memo of June 15th and believe that you will be justified in having both the bank examiners and the auditors bonded in reasonable amounts for the moral effect.

FRANK I. COWAN

Attorney General

July 18, 1943

To:

S. F. Dorrance

Agriculture

From:

Frank A. Farrington, Deputy

Attorney General

*1. Dog Licenses. 2. Damage to Domestic Animals.*

Reference is to your memo of June 15th.

1. It is the opinion of this department that dogs kept for training in this State must be licensed in Maine. Section 158, Chapter 5, R. S. 1930, as amended by Chapter 278, P. L. 1941, requires the keeper of a dog to license the dog in accordance with the provisions of said section.

2. It is the opinion of this department that rabbits are not included in the term "domestic animals", as contemplated by the statute covering payment of damages done by dogs to domestic animals.

FRANK A. FARRINGTON

Deputy Attorney General