

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

doubt of the abilities of the sureties to fulfil their obligations during the term of the guaranty, the Governor and Council would be absolutely right in insisting upon the alternative, to wit, a surety company bond.

JOHN G. MARSHALL

Deputy Attorney-General

September 15, 1943

William D. Hayes, Auditor

Audit

Registers of Deeds Absent from their Offices while in Military Service

Registers of deeds entering the military services of their country, who do not resign from their offices, would be considered absent. Chapter 15, Section 5, R. S. 1930, provides for the absence of the registers without limiting the term definitely. This section also authorizes the register to appoint a clerk for whose doings and misdoings he shall be responsible, who shall be sworn. The clerk would not be obliged to execute and deliver a bond, but would be required to take the oath provided for under this section, and the bond of the register would be liable for any misdoings of the clerk.

There is nothing in the statutes providing for the cessation of the salary of the register during his absence. Therefore it would seem that, so long as the register was absent from his office and had appointed a clerk in accordance with the provisions of Chapter 15, the register would be entitled to receive his pay.

JOHN G. MARSHALL

Deputy Attorney-General

September 16, 1943

David H. Stevens, State Tax Assessor

Bureau of Taxation

Payment in lieu of Taxes

I have your memorandum of September 7th, reporting on a conference in Governor Sewall's office. At that time, I gave you my opinion, which I have not had occasion to change, that at the present time the State lacks the legal machinery necessary to insure payments to it by municipalities of money received from the Federal Government under the Lanham Act in lieu of taxes.

FRANK I. COWAN

Attorney-General

September 17, 1943

George J. Stobie, Commissioner

Inland Fisheries and Game

I have your memo of September 16th, enclosing copy of a letter from Dr. W. E. Kershner of Bath, in regard to fishing in various bodies of water. It is true that Section 4 of the Inland Fish and Game Laws, 1943 Revision, provides, "All petitions shall be in the office of the commissioner of Inland Fisheries and Game before the first day of September of each year." However, in addition to procedure after petition, the statute provides "or upon the initiative of the commissioner of Inland Fisheries and Game."