

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

ATTORNEY GENERAL'S REPORT

and it is also provided that they shall be paid traveling expenses when they are on State business. With some other officials there is provision of a salary, but no mention of traveling expenses; yet it is very apparent that if the State sends one of its officials or employees on an errand in connection with his duties, and the performance of that errand requires the payment of railroad fares or hotel bills in a place other than that where his office is located, the State must pay those extra expenses. It is contrary to sound public policy for the State to refuse to pay them.

You are therefore justified in assuming that your interpretation of Chapter 349, P. L. 1943, is a reasonable one and that there is nothing to prevent an Adjutant General from receiving compensation for services outside of his official duties, if those services are voluntarily assumed by him and the performance thereof does not in any way interfere with the functioning of his official position.

FRANK I. COWAN
Attorney-General

November 9, 1943

Jacob Philip Rudin, Chaplain, USNR
Navy No. 128
c/o Fleet Post Office
San Francisco, California

Dear Sir:—

I have your communication of October 21st asking whether a marriage by trans-Pacific telephone would be recognized as legal in the State of Maine. You do not state whether both parties to the marriage would be together at one end of the telephone wire and the clergyman performing the ceremony at the other end, or whether one of the parties would be in this country and one over on the other side of the ocean, so I cannot answer your question quite as asked.

It is the general opinion in this State that a marriage by proxy of residents of the State of Maine is not a valid marriage under our laws, although it is possible that such a marriage, which was valid under the laws of the jurisdiction in which the parties lived at the time of the marriage, would be recognized as valid in this State. I don't know that the question of a marriage where the parties are out of sight of one another and where the only means of communication during the ceremony is by telephone would be recognized by our courts or not. I would consider it extremely doubtful. The actual physical presence of the official performing the marriage ceremony in the company of both the contracting parties would, I believe, be considered a requirement by our courts.

Very truly yours,

FRANK I. COWAN
Attorney-General