

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

and in whom, until the powers were taken away from him by express statute, reposed the general duty of taking care of the interests of the people of the counties. The statute has now put on the Commissioner of Inland Fisheries and Game the responsibility formerly held by the sheriff of searching for persons who have gone on hunting or fishing trips, or trips for any other purpose, in the woodlands of the State and have not returned within a reasonable time. This statute, however, does not deprive the sheriff, a common-law officer, of any of his powers and responsibilities except those expressly so stated.

FRANK I. COWAN

Attorney-General

November 24, 1943

Carl R. Smith, Commissioner of Agriculture

Interpretation of the Stipend Law, as amended under c. 87, P. L. 1943

I have your memo of November 19th containing the following statement of your understanding of this law:

"It is my understanding that the Stipend may be paid on the basis of 1941, or any normal year prior to 1941, but if in 1943 any Fair paid out more premiums than were paid in 1941 (or 1940) that Fair should be paid on the basis of the premiums paid in 1943, or whichever were greater, 1941 or 1943."

You have correctly interpreted the statute. There is one addition that you have not mentioned. The statute authorizes you, in the case of a payment based on a year prior to 1941, to pay "a stipend or such proportionate part of such stipend" as you may determine. This gives you broad authority to determine how much of a stipend you shall pay under such circumstances and simply limits the maximum amount.

Your interpretation of the statute in the following words, "or whichever were greater, 1941 or 1943," is a liberal one and places a strained construction on the words, "shall cease to pay," but nevertheless it seems to me that it more nearly interprets the intention of the legislature than would a conclusion that if an association pays a small premium in 1943, it is thereby debarred from having this stipend based on an earlier year. . . .

FRANK I. COWAN

Attorney-General

November 24, 1943

Honorable Sumner Sewall, Governor

Executive

Miss Ross has sent to this office the letter of Henry L. Stimson, Secretary of War, bearing date November 1, 1943.

Any recognition by the Governor that the United States accepts exclusive jurisdiction, as set out in the third paragraph of Secretary Stimson's letter, should quote Chapter 248 of the Public Laws of 1939 in full and should contain a statement by the Governor that the juris-