

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

was the reason for the bill being reported "Ought not to pass," or if some such reason as that, originating in the State itself, was responsible for lack of passage, then I see nothing in the action of the legislature that should tie the hands of the Governor.

FRANK I. COWAN
Attorney-General

December 1, 1943

Harold E. Crawford, Municipal Auditor

I have your memo of November 30th in regard to court officers. I believe that the language of paragraph six of chapter 126, section 4, on page 1533 of the Revised Statutes, must be interpreted to mean that "for said attendance and service" "upon the supreme judicial court or the superior court," the deputy sheriff and court messenger are to receive \$5. a day. This is entirely separate from any other work they may do or services they may perform while not in attendance on the court. If the court sits for half a day or less, the officers nevertheless are entitled to a day's pay, because they are holding themselves in readiness for service, and it is not their fault if the judge is not in the courtroom. During such times as the judge is not in the courtroom and as he does not require the immediate attendance of the deputy sheriff or the messenger, these officials are entitled to any fees they may be able to earn from services that will not interfere with their court duties. The same is true of any services they may perform after court adjourns at night or before it comes in, in the morning.

FRANK I. COWAN
Attorney-General

December 1, 1943

Hon. Lester M. Bragdon
York Village, Maine

Dear Lester,

I have your letter of November 16th in regard to automobile inspection. The legislature passed Chapter 72, P. L. 1941, changing the dates of inspection from May and November to April and October. Under the procedure that has been in use for several years, an act to be amended is printed in full and the amendment printed in black-faced type.

At the same session the legislature passed Chapter 205, making further amendments to the original act. At that time the amendment which appears as Chapter 72 had not become law, and it could not be known that it would become law until ninety days after the legislature adjourned. Chapter 205 was set up in the ordinary fashion. Whether or not anybody noticed that there was an apparent conflict between 205 and 72, I don't know, and I cannot express any opinion on the subject.

In cases such as this, which, I may say, occur frequently, we take the original act and add to it all amendments made at a session of the legislature. If there is no conflict between the amendments themselves, we have assumed that there was no conflict in the laws, since the legislature plainly expressed itself on the matter of amendments.