

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

Section 81 provides that when the clerk knows of any birth, marriage or death which is not reported in his office, he shall collect the facts and record them. Here again there was apparently no error. The marriage of Mr. Feinstein was correctly recorded according to law and needs no correction.

This question is, of course, not a new one. We have women getting married every day and assuming for purposes of convenience the family names of their husbands. If they have been voters under their maiden names, they usually notify the board of registration of voters that they have changed their names, and the board makes the appropriate change on its voting list. Attention is called to the numerous instances that occur of women obtaining divorces with permission from the court to resume their maiden names. The fact that this permission is unnecessary under our laws is beside the point. The reason I speak of this is because there is no record kept of this change in the town or city clerk's office.

FRANK I. COWAN
Attorney-General

December 28, 1943

Hon. Sumner Sewall, Governor

Subject: Reappointment of State Humane Agents

With regard to your inquiry of December 23rd, I beg leave to advise that I find no provision in the statutes relative to the reappointment of a State Humane Agent. The only provision is Section 70 of Chapter 135, which is the one you are familiar with and refer to in your inquiry as the "original application for a first appointment."

I am of the opinion that when the term of a humane agent expires his reappointment can be made only under Section 70, upon application by the officials of a city or town, the commissioners of any county, or the officers of any Society for the Prevention of Cruelty to Animals.

ABRAHAM BREITBARD
Deputy Attorney-General

January 5, 1944

F. K. Purinton, Secretary

Executive

With reference to your memo of December 30, 1943, relative to the status of Mr. who held a commission as Trial Justice issued in 1939 and, while holding said commission, qualified as a member of the 1943 legislature.

He had already been advised by this department that by qualifying as a member of the legislature he simultaneously vacated the office of Trial Justice. His inquiry now is whether his resignation from the legislature would reinstate him to the office of Trial Justice which he had vacated.

Such would not be the effect of his resignation from the legislature. By the act of qualifying in that body he surrendered his office as Trial Justice just as completely as if he had resigned. His commission was