

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

without relinquishing the former office, hold a seat in either house. The office you hold is an office of profit. See Opinion of the Justices, 95 Maine 585. I have given you the citations as you told me when you were here that you had asked Mr. Dunbar's opinion and he had suggested that you might inquire here. As these are my personal views, you may show this letter to Mr. Dunbar and see if he agrees with me.

Yours truly,

ABRAHAM BREITBARD
Deputy Attorney-General

January 7, 1944

Honorable Sumner Sewall, Governor of Maine

Public Laws of 1943, Chapter 300, providing for the protection of State employees who have entered the military or naval service of the United States while in such employment, is not limited to persons having no definite term of office, but should be so construed as to apply to State officials holding statutory positions. The protection, however, cannot run beyond the date at which their terms of office expire.

The Insurance Commissioner is protected during his present term.

FRANK I. COWAN
Attorney-General

January 11, 1944

Miss Nellie B. Chamberlain
Town Clerk
East Lebanon, Maine

Dear Madam:—

A marriage license is void if not used within one year after date of its issuance. This applies also to a case where the certificate of the physician relative to blood test is submitted.

Very truly yours,

ABRAHAM BREITBARD
Deputy Attorney-General

January 12, 1944

Hon. Robert M. Lawlis
Judge of Probate
Houlton, Maine

Dear Bob,

Mr. Hayes, the State Auditor, has turned over to me your letter of January 7th in regard to the Estate of John Starling and Lyman Willard, the administrator. We have been trying to figure out a proper method of procedure from this point. The statutes are fairly clear, but various sections, as you very well know, are somewhat conflicting in their practical application. However, the burden does seem to rest on the Judge of Probate to cause action to be taken.

It seems to me that the Judge can, sua sponte, issue citations to delinquent administrators and executors. The statutory provisions in