

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

January 12, 1944

Mr. Sherman P. Hoar
Chairman, Board of Assessors
Rangeley Plantation, Maine

Dear Sir:—

I have your letter of January 6th in regard to your special town meeting held on Christmas Day. Whatever may be our sentimental feeling in regard to the holding of a town meeting on a holiday and especially on Christmas, there appears to be no prohibition in the statute, and in the absence of such prohibition a meeting properly called and held on Christmas Day is legal. The courts of Maine, as far as I know, have not passed on this particular question, but numerous cases have arisen in other states. For the convenience of your attorney I refer you to 29 C. J., page 767, "Officials Acts."

Very truly yours,

FRANK I. COWAN

Attorney-General

January 14, 1944

David D. Stevens, Assessor

Transfer of Functions from the State Treasurer to the Tax Assessor

I am giving you this in writing for your files, although our frequent discussions in the matter have really covered the subject.

An arrangement may be made between the State Treasurer and the Assessor under which certain members of the Treasurer's Department can be located in the office of the Assessor so that the two department heads can conduct their study to determine what procedure for the collection of taxes is best for the State. However, those persons must continue, until there is new legislative action, as subordinates of the State Treasurer and under his sole direction and control. If employees in the Department of the Assessor are used to assist the persons so transferred, such employees must be shifted to the Department of the State Treasurer for the period during which the study is carried on. Thus only can the State be protected on the bonds of the Treasurer and of these employees.

FRANK I. COWAN

Attorney-General

January 20, 1944

Hon. Sumner Sewall, Governor of Maine

Subject—Incompatibility

I have been asked whether there is incompatibility between the office of Judge of Probate and that of Mayor of the City of Belfast. A careful study of the charter of the city is not informative. The office of mayor of that city seems to be almost purely honorary, and there is real question as to whether the office carries with it such authority that it can be classed as executive, so that there would be a conflict, as provided by our Constitution.