

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

cise any of the powers of the other two branches. However, as you are well aware, the old theory of absolute separability of governmental functions has, over the past hundred years, been greatly modified because of the practical necessities that at times arise.

P. L. 1941, Chapter 305, is purely a war measure. If modifying the registration laws to permit of a soldier's voting is something indissolubly linked to the "welfare" of the people of the State of Maine, and if it will assist in "coöperation with the federal government," then it is within the provisions of that statute. My first reaction was that there was such a relation and under the circumstances I felt no hesitation in approving the suggestion in regard to the modification of registration machinery as a purely temporary war measure.

Mature consideration of the matter has, however, shaken that opinion. This is an election matter. Our regard for the independence of election machinery from all executive interference is so tender that I now find I can't bring myself to advise the Executive that it is proper for him to do the act which the legislature certainly intended that he should. Even if I did so advise, it is probable that some defeated candidate would take the matter to court, and I feel that the court might very well say that even though the Civilian Defense Act by its plain words and meaning authorized the Governor to do this thing, nevertheless, even as a war measure, his action under that attempted authorization would be in contravention of public policy. . . .

FRANK I. COWAN

Attorney-General

February 17, 1944

Harold I. Goss, Secretary of State

Subject: Registration Fees for Trucks

I have your memo of February 8th asking for an interpretation of certain provisions of R. S., c. 29, sec. 57, as amended, which reads as follows: "Over 11 tons and not over 12 tons, \$275.00" and "12 tons and over, \$300.00."

In view of the wording of the whole schedule, it is apparent that the language "12 tons and over" was an oversight and was intended to read "over 12 tons." Therefore a carrying capacity of anything over 11 tons and up to and including 12 tons calls for a fee of \$275.00. 12 tons plus 1 oz. requires \$300.00.

FRANK I. COWAN

Attorney-General

February 18, 1944

E. E. Roderick, Deputy Commissioner of Education

Subject: Membership in Maine Teachers' Retirement Association

With reference to your inquiry of February 1, 1944, it is the opinion of this department that Chapter 198, Section 3, of the Public Laws of 1943 is very plain and unambiguous, leaving no room for interpretation. This provides that "Any member of the Retirement Association who has been a member for more than one year and who is actively