

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1943--1944

provides that the Highway Commission itself shall select, and with the approval of the Governor, shall appoint a Chief Engineer, does not contemplate interposition of authority on the part of Personnel Board.

A different situation arises in connection with the Superintendent of the Highway Garage, Superintendent of Maintenance, Chief Construction Engineer and Chief Bridge Engineer of the Highway Department. P. L. 1941, c. 14, uses the language "bureau directors," and Paragraph (3) of §7 of the Personnel Law says that "bureau directors" are in the classified service. However, in examining the statutes I find no provision for any "bureaus" or "bureau directors" in the Highway Department. I find bureaus in connection with the State Library, and bureaus in connection with the Welfare Department, and we must assume that the words "bureau directors" which operate in the Personnel Law apply to the bureaus which are established by law. The fact that some department head may have called some division of his department a bureau cannot make it such. Therefore, in my opinion, the superintendents above enumerated fall in the classified service under the Personnel Law.

FRANK I. COWAN
Attorney-General

July 27, 1944

Harold I. Goss, Secretary of State

I have your query of July 26th for further interpretation of Chapter 157, P. L. 1943.

I believe that the proper interpretation of the statute is that if the renewal of a license has been interrupted by military service, the time during which the man or woman has been in the service shall not be counted provided the service started not later than 1941. If the applicant is in uniform and shows on the face of the application that not later than 1941 he had an operator's license, you may presume prima facie that renewal has been interrupted by such service.

As the opinion that has been issued applies to cases where an operator's license has been held as recently as 1941, which is one of the "3 preceding years," it is unnecessary to make any further interpretation on the matter of waiver of examination.

FRANK I. COWAN
Attorney-General

July 27, 1944

J. J. Allen, Controller

Maine Development Commission

I have your memo of July 21st. You asked two questions:

1. Can the Commission delegate authority for approval of vouchers to its Executive Secretary?

Answer. I see no legal objection to such delegation. As a practical matter, the Commission may wish to set a limit within which the Executive Secretary can approve vouchers. If such a limit is set, vouchers for larger amounts should be approved by a quorum of the Commission.

2. Must the State Controller write his approval on each voucher?

Answer. No; but he must approve each voucher in some form, and to protect himself as well as the State, he should affirmatively signify his approval. The statute contemplated that this approval by him must be more than a mere formality, but there can be no objection to a mass approval of a large number of vouchers.

FRANK I. COWAN

Attorney-General

August 2, 1944

Raymond E. Rendall, Commissioner

Forestry

Your memo asking whether you may grant a right of way over reserved lands has been given due consideration.

I am of the opinion that you do not possess the power or authority to make such a grant, hence legislative action will be required.

ABRAHAM BREITBARD

Deputy Attorney-General

August 7, 1944

Capt. Joseph Young, State Police

I confirm that I have said to you over the telephone with regard to your inquiry as to the meaning of Section 3, Chapter 355, Laws of 1943, entitled "An Act providing for the licensing and regulation of the amusement known as Beano." Your question was whether more than one license may be issued to an applicant as defined therein, which would run concurrently.

This department answers that question in the negative. We are of the opinion that the last sentence of Section 3, which reads as follows:

"Nothing contained herein is to be construed to prohibit any fair association, or bona fide charitable, educational, fraternal, patriotic, religious, or veterans organization from obtaining more than one 6-day license."

was to make it clear that an applicant might obtain a license for a 6-day period following the expiration of any previous 6-day license held by the applicant.

This last sentence was apparently written because of the opening sentence which reads:

"The chief of the state police may issue licenses to operate such amusement for a period of 6 days to any fair association, or bona fide charitable, educational, fraternal, patriotic, religious, or veterans organization which was in existence at least 2 years prior to their application for a license, when sponsored, operated and conducted for the exclusive benefit of such organization by fully authorized members thereof."

and which, standing alone, might have been interpreted to mean that a license to operate for 6 days is all that any applicant could have.

ABRAHAM BREITBARD

Deputy Attorney-General