

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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February 6, 1945

To Fred M. Berry, State Auditor

I have your memo of February 6th asking for further advice in regard to the word "agency", as contained in §3, Part 1, of Chapter 16 of the Revised Statutes of 1944, which reads as follows:

" . . . to perform a post-audit of all accounts and other financial records of the State government, or any department or agency thereof."

You will note that there is a comma after the word "government," and the words "or any department or agency thereof" mean any department or agency of the State government. The words "agency of the State of Maine" in this sense mean municipal corporations, which include cities, towns, counties, taxing districts, and other sub-divisions of a State erected for the purpose of government or administration.

The State Auditor is not authorized by law to audit the private accounts of individuals or corporations that file returns to the State from various sources, because if he were, there would be no end of trouble and expense, and in fact any such law authorizing the State Auditor to audit private accounts would be unconstitutional. Your predecessor in office appeared before the Judiciary Committee during the session of the 1943 legislature and asked for an amendment to this statute authorizing him to audit private accounts, where certain persons and corporations were obliged to make returns to the State in accounting for fees, inheritance taxes, etc., and the legislature, for constitutional reasons, refused to confer this power upon the then State Auditor.

RALPH W. FARRIS
Attorney General

February 8, 1945

To Captain Laurence C. Upton, Acting Chief, Maine State Police

We have your memorandum of January 24th, which . . . relates to the propriety of attaching to a semi-trailer a disabled tractor and hauling it from Bangor to Waterville for repairs. The hauling vehicle was a tractor and semi-trailer combination, and the entire unit was more than 45 feet in length.

We think that the acts stated by you are prohibited and are violative of the statute (Chapter 19, §15-III). We interpret the provision to mean that not only is the length of the vehicle or combination of tractor and semi-trailer not to exceed 40 feet in length over all (now 45, by executive order), but not more than 1 trailer may be attached to a motor vehicle, irrespective of the length of the combined unit. Thus the attachment, in the case under consideration, of a damaged or disabled tractor behind the semi-trailer to be hauled over the highway is prohibited by this provision.

ABRAHAM BREITBARD
Deputy Attorney General