

# 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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April 25, 1945

To J. Elliott Hale, Secretary, Board of Barbers and Hairdressers

With reference to your recent inquiry whether a person is eligible to take the examination under the act relating to hairdressing and beauty culture, now R. S. 1944, Chapter 22, Sections 205-222, before attaining 18 years of age, where the applicant qualifies as having "satisfactorily completed a course of instruction in a school":

Under the rules and regulations which were duly adopted by the State Board of Barbers and Hairdressers, it is provided in Section 11 that students are not eligible to take up instruction in a school until they have reached the age of 17½ years. By Sections 212 and 214 of Chapter 22, a course of study in an approved school of 1000 hours distributed over a term of not less than 6 months is a prerequisite to admission to examination. It would thus appear that no person could become eligible for examination under these provisions until she has become 18 years of age.

ABRAHAM BREITBARD

Deputy Attorney General

April 26, 1945

To Harry V. Gilson, Commissioner of Education

Re: Federal Grants to Municipalities

Receipt is acknowledged of your letter of April 5th, which is as follows:

"Apparently consideration is being given to the federal allocation of funds directly to municipalities for the purpose of building community facilities including school buildings. A question has arisen as to whether municipalities of Maine can legally accept donations or allotments of money for the purpose of planning and building such community and school facilities.

"The only law pertaining to the acceptance of federal grants which I have been able to find is section 1 of chapter 315, passed at the Special Session of 1942.

"I would appreciate your opinion on the following questions:

1. Can municipalities legally accept federal grants?
2. Is it the intent of section 1, chapter 315, that all federal grants shall be made through the state to the municipalities?"

*Answer to Question 1:* No. The only provision relating to acceptance by municipalities of gifts is Section 103 of Chapter 80. This, however, has reference only to gifts under a will or "by any individual" who intends to make a conditional gift. It is not applicable to federal grants.

*Answer to Question 2:* The law referred to in your inquiry is now Section 14 of Chapter 11, R. S. 1944. It is there provided:

"The governor, with the advice and consent of the council is authorized and empowered to accept for the state any federal funds or any equipment, supplies, or materials apportioned under the provisions of federal law and to do such acts as are necessary for the purpose of carrying out the provisions of such federal law. The governor, with the advice and consent of the council, is further authorized and empowered to authorize and direct departments or agencies of the state, to which are allocated the duties involved in the carrying out of such state laws as are necessary to comply with the terms of the federal act authorizing such granting of federal funds or such equipment, supplies, or materials, to expend such sums of money and do such acts as are necessary to meet such federal requirements."

Since municipalities are agencies of the State upon which the State law imposes the duty of maintaining schools and other facilities, this provision by its express terms is applicable to federal grants to municipalities for such purposes.

I therefore answer this question in the affirmative.

ABRAHAM BREITBARD  
Deputy Attorney General

April 26, 1945

To C. P. Bradford, State Park Commission  
Re: Police Authority and Arrest Procedure

You ask this office to define Section 23 (IV) of Chapter 32, relating to the powers of the agents and representatives of the State Park Commission, designated for that purpose, to make arrests.

By subdivision IV the Commission is empowered to exercise police supervision over all State Parks and memorials. This reads as follows:

"To exercise police supervision over all state parks and memorials; and the agents or representatives of the state park commission designated for that purpose by said commission are authorized and empowered to arrest with or without warrant any person within the state who is committing, or to detain, until a warrant has been obtained, any person within the state who has been seen by said agents or representatives committing any offense against the state laws, or any violation of any rule or regulation of the state park commission within a state park or memorial, but no dwelling-house shall be searched for the purpose of such arrest without a warrant, and then only in the day time, and no sealed railroad car shall be entered for the purpose of such arrest without such warrant."

In my advice to you for brevity I shall refer to these persons as agents.

1) Agents may without a warrant arrest and detain a person who has committed any crime against the laws of this State or who has violated any rule or regulation of the Commission within a State park or memorial, providing: