

# 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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"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:

- (a) that such agent has seen such person commit the crime, or violation; that is, that such crime or violation has been committed in his presence;
  - (b) that such agent take said person before a trial justice or judge of a municipal court forthwith, if said court is in session or at the opening of said court the next day and procure such warrant.
- 2) To arrest with a warrant any person who has committed any offense against the laws of this State or has violated any rule or regulation within said parks or memorials, although not committed in the presence of the agent.
- 3) No dwelling house is to be searched for the purpose of arresting the offender without a warrant, and then such process may be executed in the day time only.

ABRAHAM BREITBARD  
Deputy Attorney General

April 30, 1945

To David H. Stevens, State Tax Assessor  
Re: The Ministerial Fund of the Town of Salem

Your memo of April 24th relating to the above matter has been received. It is my opinion that interest on this trust fund should be applied to the support of schools and transferred to the Unorganized Township Fund. I find no statutory authority for paying the income of the ministerial fund over to religious societies. From the information which I have before me, it seems to me that the title in this case vests in the inhabitants of the town; and since the town is deorganized, the State is trustee of the fund for the use of the town and, as I said before, the income thereof should go towards the support of the schools.

RALPH W. FARRIS  
Attorney General

April 30, 1945

To Earle R. Hayes, Secretary, Employees' Retirement System

I have your memo of April 26th asking in behalf of the Board of Trustees of the Employees' Retirement System my opinion on the following question:

"Under the terms of Chapter 98 of the Public Laws of 1945 as recently enacted by the 92nd Legislature, does the University of Maine thereby become a 'department' within the meaning of Subsection III of Section 1 of Chapter 60, R. S.?"

My answer to that question is in the negative, for the reason that the legislature declared the University of Maine to be an 'agency' of the State for the purpose for which it was established and for which it has been managed and maintained under the provisions of Chapter 532 of the