

# 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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June 21, 1945

To Earle R. Hayes, Director of Personnel  
 Re: Laborers, Patrolmen, Truck Drivers, etc.

Your memo of June 16th received, asking if the above designated State employees, who are paid on an hourly basis, for only time actually worked—should be considered classified employees or not, for the purposes of Chapter 135 of the Private and Special Laws of 1945.

In my opinion these employees of the State Highway Commission come within the provisions of Section 6 of Chapter 59 of the Revised Statutes of 1944.

RALPH W. FARRIS  
 Attorney General

June 22, 1945

To Harold I. Goss, Esq., Secretary of State

Your inquiry concerns Chapter 346 of the Public Laws of 1945, namely an act amending the financial responsibility law by adding thereto a new paragraph to be lettered 'F,' which is as follows:

“To the owner or licensed operator of a motor vehicle, trailer, or semi-trailer involved in an accident if the said motor vehicle, trailer or semi-trailer at the time of the accident was insured by the owner thereof under a motor vehicle liability policy as defined by this chapter.”

Your question is whether this amendment applies to those persons who in the past have been required to furnish proof of financial responsibility, although the owner of the vehicle carried liability insurance; and whether they would in the future, by reason of this amendment, be relieved from furnishing such proof.

This amendment was the result of considerable agitation on the part of those persons who protected themselves by carrying liability insurance; and it was because of this that the amendment was introduced and enacted.

It was the intent of the legislature to relieve those persons, and hence, when this law becomes effective, it is my opinion that irrespective of the date of the accident, if at such time the vehicle or the operator thereof was protected by liability insurance, then this provision would be applicable.

ABRAHAM BREITBARD  
 Deputy Attorney General

June 22, 1945

To Fred W. Hollingdale, Deputy Treasurer of State

I received your memo dated May 21st on June 20th, with a copy of the memo from former Attorney General Cowan dated July 10, 1944, relating to the responsibility of the State Treasurer; and you suggest the following questions:

1) What is the responsibility of the State Treasurer's office under Section 8, Chapter 15?

2) Does Section 8, Chapter 15, require all state units to certify all items of income accruing to the state immediately or does it allow the several units to certify to the State Treasurer a list of unpaid and overdue accounts monthly, quarterly, etc.?

*Answers*

1) It is the responsibility of the State Treasurer under Section 8 of Chapter 15 to "receive and keep a record of all items of income accruing to the State. . . He shall promptly collect all taxes and accounts due the state and certified to him as provided herein." In case he cannot collect said accounts and taxes, he shall institute court action through the Attorney General's office. That is about the limit of his responsibility under this section.

There are many legal definitions of the word "promptly," depending on the nature of the thing to be done. In our court decisions, "promptly" in some cases means "at once," and is synonymous with "quick," "sudden," "precipitant." In most cases the courts have held that "promptness" means "within a few days," especially in the performance on contracts; but in the handling of State funds and the intricate machinery for collecting taxes in a municipality, there are bound to be many delays, so that the word "promptly" would not apply in those specific cases. For instance, how could the State Treasurer promptly collect the taxes, if the person taxed refused to pay? In my opinion the word "promptly" in this statute means a reasonable time considering the facts in every case. The collector of a large number of items of tax assessments cannot act promptly and report and turn over the proceeds until he has had an opportunity to make demand, collect the money, make up his statement and turn over the proceeds. This machinery takes time and clerk hire, and should be done as promptly as may be.

In regard to former Attorney General Cowan's ruling upon the same, it is appropriate to your office.

2) Section 8 of Chapter 15 requires of State units to certify promptly to the Treasurer of State the items of income with which they are charged, and I should say that if a department did not certify to the Treasurer within three months over-due accounts, it would not be promptly done.

RALPH W. FARRIS  
Attorney General

June 27, 1945

To Roscoe L. Mitchell, M. D., Director, Bureau of Health

Pardon my delay in answering your letter of June 6th in which you asked my interpretation of questions on matters covered by Chapter 320, P. L. 1945. You call my attention to Section 1, which provides that no official shall issue a certificate of birth which discloses illegitimacy.