

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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border inspection by the Federal Government, because they do not have control of the cattle in transit. Your department should carry out the provisions of this law and see that the shipments from other countries meet the requirements of the rules and regulations of the Commissioner of Agriculture. You will note the language of the statute in the second line, "from any other state or country," which would cover the Dominion of Canada. . .

RALPH W. FARRIS
Attorney General

July 25, 1945

To Lucius D. Barrows, Chief Engineer, State Highway Commission

I have your memo of July 19th enclosing a copy of a letter from Fernand Despins, corporation counsel for the City of Lewiston, relating to the establishment of a bus terminal in the center of Main Street between Lisbon and Middle Streets in Lewiston.

Inasmuch as Main Street is a part of the State Highway and Federal Aid Highway system, I do not believe that the Highway Commission has authority to grant permission to build platforms and safety islands within this area for a private corporation to use to take on and discharge passengers from its buses.

As to whether such a terminal would be considered an obstruction of a public highway, I do not believe it would be so considered, in view of the width of Main Street at that point, and the parking area maintained there at the present time, where they contemplate building platforms and safety islands.

RALPH W. FARRIS
Attorney General

July 25, 1945

To Daniel T. Malloy, Chief Warden, Inland Fisheries and Game

I have your memorandum of July 24th relative to paragraph 8 of Section 32 of the Fish and Game Laws, enacted by P. L. 1945, providing for a free permit to residents of Maine in and out of the armed forces of World War II. In answer thereto I advise you that the following persons are entitled to receive a permit, free of charge, to hunt and fish within the State, from the clerk of the town in which he or she resides, or, if resident in an unorganized place, then from the clerk of the nearest town:

1) A person who has not been dishonorably discharged in World War II. As I understand from the War Department, there are issued three types of discharges: (a) an honorable discharge, (b) a discharge, and (c) a dishonorable discharge. A person possessing the last of these three is excluded thus from obtaining the benefits of this provision. These permits are for a period of two years from the date of discharge or two years from the official declaration, *by the United States Government*, of the

termination of World War II, whichever is the later date. Permits issued prior to the termination of World War II will remain effective until two years after the official declaration. Those issued after the official declaration, to a serviceman discharged subsequent to that time, will remain in force for two years after the date of discharge.

2) Residents of Maine in the armed forces who are on furlough or who are stationed in Maine may have from the town clerk of the town in which they reside, or, if they reside in an unorganized place, then from the clerk of the nearest town, a furlough permit. These are to expire at the end of the year in which they were issued, or earlier, if the war is officially declared terminated by the *United States Government*.

ABRAHAM BREITBARD
Deputy Attorney General

July 26, 1945

To Fred M. Berry, State Auditor

I have your memo of July 25th, enclosing a copy of a letter received from, Register of Probate, inquiring as to the effect of Chapter 359, P. L. 1945, relating to charging a filing fee on petitions in the probate court; and you ask my opinion concerning this question.

I will say that it is my opinion that the legislature intended that the filing fee should be for the original petition to probate a will and for the original petition to administer an estate. The statute in question reads as follows:

“The register of probate shall receive a filing fee of \$3 for each petition to probate a will and for each petition for the administration of an estate, when the estimate value of such estate, as stated in the petition, is \$1,000 or over.”

Of course, there would be only one petition for the probate of a will and subsequent petitions would be supplementary, in the case of d. b. n., c. t. a. In my opinion the same would apply to petition for administration.

RALPH W. FARRIS
Attorney General

July 26, 1945

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

I have your memo of July 20th inquiring whether or not the provisions of Section 15 of Chapter 60 of the Revised Statutes give the local participating districts any and all of the benefits and privileges provided for in said Chapter 60.

It is my opinion that the employees of any county, city, town or other local participating districts have all the benefits and privileges provided