

# 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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September 5, 1945

To Fred M. Berry, State Auditor

I have your memo of August 30th requesting my opinion concerning audit limitations under the provisions of Chapter 361, P. L. 1945.

This chapter amends Section 18 of Chapter 77 of the Revised Statutes, which provided that within sixty days after the conclusion of every race meeting, every person, association or corporation conducting a race shall submit to the Commission a complete audit of its accounts certified by a public accountant qualified to practice in this State and approved by the Commission. The amendment cited in your memo as Chapter 361, P. L. 1945, strikes out that wording and substitutes,

“which books and records shall be subject to audit at any time by the state department of audit.”

It seems to me that the wording of the statute is plain and needs no interpretation.

RALPH W. FARRIS  
Attorney General

September 13, 1945

To Hon. Horace Hildreth, Governor of Maine

I am submitting herewith the draft of a proclamation to bring to an end Chapter 330 of the Laws of 1941, by which the standard time of this State was advanced one hour beginning February 9, 1942, at 2 o'clock A. M. By terminating this act, the confusion would be removed which would result otherwise from the federal government's being on standard time, which would be an hour earlier, as under the federal law all common carriers operating in interstate commerce and all federal activities, judicial, legislative and executive, must be governed by standard time as established by Congress in the various zones. It would also remove the confusion which would arise if our neighboring States followed the lead of Congress in terminating the standard time as established during the war, which was commonly referred to in this zone as Eastern War Time.

You will notice that our statutes define standard time in this State to be that which is known and designated by the federal statute as “United States Eastern Standard Time.” This act was suspended by Chapter 330, Laws of 1941, which advanced standard time by one hour, so that unless this act was terminated, Section 4 of Chapter 1 of the Revised Statutes would remain suspended until the act ceased to be effective by its own limitation.

I find that so far as daylight saving time is concerned, there is nothing in our laws which specifically authorizes it. On the other hand, at the present time, there is nothing in our laws which prohibits towns and municipalities from going on daylight saving time; but this is purely the voluntary act of the municipal officers in establishing an earlier hour when all offices in the municipality are to open and an earlier hour of

closing, thus giving its employees an additional hour of daylight during a certain specified time of the year; and in those localities it has been customary for industry and business to follow the action of the municipal officers.

Therefore what we are doing now has nothing to do with daylight saving or its revival between April and September.

ABRAHAM BREITBARD  
Deputy Attorney General

September 20, 1945

To Edward E. Chase, President, Board of Trustees, University of Maine

I have your letter of September 7th . . . asking my opinion on two legal points:

First. "Would it be legal for the Trustees so to invest endowment funds, provided, of course, that the bequest or gift did not contain a specific inhibition?"

It is my opinion that if there is no specific inhibition in the creation of said trust, the trustees can invest endowment funds under the provisions of Chapter 80, P. L. 1945: "A fiduciary shall exercise the judgment and care under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital, etc."

Second. "If the Trustees, with the consent of the Governor and Council as required by law, should borrow money by giving notes or bonds, to be paid for out of dormitory profits at an agreed rate of retirement, but in form of direct obligation of the University of Maine, would such bonds be exempt from federal income taxes on the ground that the University is an agency and instrumentality of the State of Maine?"

It is my opinion that such bonds would be exempt from federal income taxes on the grounds mentioned in your opinion.

RALPH W. FARRIS  
Attorney General

September 20, 1945

To Lucius D. Barrows, Chief Engineer, SHC

I have your memo of September 7th enclosing a memorandum from Ralph H. Sawyer, traffic engineer, relating to parking on highways. You state that your department is frequently requested to take action to control parking and that there is question in your mind whether the department has any definite or specific authority to do that.