

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

MAINE STATE
LIBRARY

matter for approval to the Governor and Council, in view of Section 15 of Chapter 12, which provides that the Governor with the advice and consent of the Council is authorized to accept in the name of the State any and all gifts, grants or conveyances to the State of Maine.

The gift under consideration being to the State of Maine, of course, I think it would be proper to have the approval of the Governor and Council in accordance with this provision.

ABRAHAM BREITBARD
Deputy Attorney General

October 28, 1946

To Hon. Horace Hildreth, Governor of Maine

In regard to the situation relating to the disability of one of your Executive Council, there is nothing that can be done about same.

The Constitution provides that the Council shall be chosen biennially the first Wednesday of January, by joint ballot of the Senators and Representatives in convention; and vacancies which shall afterward happen shall be filled by the Governor with the advice and consent of the Council within thirty days from said vacancy, and he must be from the same district in which the vacancy occurs, and the oath of office shall be administered by the Governor, and the new Councillor shall hold office until the next convening of the legislature.

Inasmuch as there is no vacancy on the Council and there is no provision in the Constitution providing for the taking care of the disability of a Councillor, there is nothing that you can do except await the convening of the next legislature for a new Council.

In case Mr. should resign, you could exercise your constitutional authority and appoint a Councillor from his district to serve until the next legislature convenes.

RALPH W. FARRIS
Attorney General

October 28, 1946

To David H. Stevens, State Assessor

I have your memo of October 22nd relating to the interpretation of the second sentence of Section 143 of Chapter 14, R. S. 1944, as amended, which reads as follows: "from the average amount of deposits, reserve fund, and undivided profits so returned by each bank there shall in each case be deducted an amount equal to the value so determined of United States obligations, all bonds, notes, and other obligations issued after the 1st day of February, 1909, . . ." etc. You state in said memo that some banks have made FHA loans. It is the practice of the banks to have the borrower give a mortgage and pay a certain fixed amount each month to the bank. These payments are credited to the borrower's escrow account, which account is charged: once a month, the amount to be applied to the loan and the month's interest on the unpaid balance; once a year for the taxes, and once every two or three years for the insurance.