

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

at an end, and that part of Section 269 of Chapter 79 of the Revised Statutes which relates to clerk hire in these several county offices will be in full force and effect.

As the Constitution provides that no act of the legislature shall take effect until 90 days after the recess of the legislature passing it, unless in case of emergency, if the legislature did not recess before April 21st, then the provisions of Chapter 290, P. L. 1945, would expire on July 21st, and L.D. 133 would not repeal a part of an act that was not in force at the time it took effect.

However, if the legislature should recess before April 21st, the present repealing act would take effect before that Chapter 290 had expired and it would be effective.

In my opinion this bill should be recalled by Senate Order and recommitment to the Committee on Salaries and Fees.

RALPH W. FARRIS  
Attorney General

March 27, 1947

To Richard E. Reed, Commissioner of Sea and Shore Fisheries  
Re: Sea and Shore Fisheries Rule and Regulation No. 50

I have your memo of March 25th and have had a conference with your assistant, Mr. Malloy, in regard to this matter.

In my opinion this rule and regulation is ineffective, because it was not recorded in the office of the Secretary of State or published in any newspaper, as required by Section 3 of Chapter 34. For that reason the rule and regulation would not be enforceable, as the burden is upon your department to prove that it was promulgated according to the statute authorizing same. Of course the county attorney of Hancock County could not prosecute cases without a certificate from the Secretary of State and a certificate from the town that this rule and regulation had been filed there and without publication in the newspapers.

RALPH W. FARRIS  
Attorney General

March 28, 1947

To David H. Stevens, State Tax Assessor

I herewith return letter from the Register of Deeds and bill for \$3. You should pay 50c for recording, as provided in Section 77-A of Chapter 41, P. L. 1945. This supersedes the general schedule of recording fees in Section 232 of Chapter 79, R. S. 1944 and is not in conflict with that schedule. The legislature set up the recording of these tax liens and at the same time set the fee not exceeding 50c for recording same, and that law prevails. You may write the Register and tell him to rebill you for 50c for each tax lien, on my opinion.

RALPH W. FARRIS  
Attorney General