MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

April 14, 1947

To W. C. Philoon, Administrative Assistant, Executive Department

The letter of Mr. James G. Neill of Philadelphia, which you referred to this department, concerns the appointment by the Governor of a commissioner in any other State of the United States or in any foreign country, to continue in office at his pleasure and for authority to take acknowledgments and proof of the execution of any deed or any instrument concerning lands in this State, to be used or recorded in this State. They may also administer oaths and take depositions and certify the authenticity thereof.

This is governed by Sections 24 to 27 of Chapter 154 of the Revision of 1944. These provisions have been on the statute books for many years past. Appointments are now rarely made, although in some instances applications are made for renewals, where the person has held the office previously. The reason it is very rarely used now is that other statutes of the State have liberalized the manner of taking the jurat to papers to be recorded in this State by requiring merely that the notaries appointed under the laws of other States affix their seals. Formerly, there were requirements that certificates be attached thereto, showing the authority of the notary to act, etc. This is no longer necessary, where the notary impresses his seal.

ABRAHAM BREITBARD
Deputy Attorney General

April 18, 1947

To Francis J. McCabe, Warden
Maine State Prison

Your memo of April 10th received April 16th, via the Commissioner of Institutional Service. You state that it has been the practice at the Prison for a number of years to give $10 to all inmates leaving that institution. This has been carried on under the provisions of Section 48 of Chapter 23. You state in your memo that it seems to you that this money should not be given to inmates when released to federal or county warrants, or when transferred to other federal, State or county institutions.

I agree with you in your contention. However, I call your attention to the wording of the statute, which reads, "The warden *may* furnish him a sum not exceeding $10." Therefore, it is a matter of discretion with the Warden of the State Prison.

In the interest of State economy, I advise against giving money to federal prisoners. I believe it was intended only for prisoners convicted by our State courts and that it should not be considered on transfers to other institutions.

RALPH W. FARRIS
Attorney General