

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

May 28, 1947

To H. H. Harris, State Controller

Re: Mileage

Receipt is acknowledged of your memo of May 26th concerning Chapter 396 of the Public Laws of 1947, "AN ACT Relating to Automobile Travel by State Employees."

I have discussed the manner of handling the situation here created, with the Attorney General, and we feel that it was clearly the intent of the legislature to provide the increased allowance per mile for the use of privately owned automobiles by employees on the business of the State, to begin immediately after the expiration of the act which increased such allowance in 1945 by Chapter 324. This act will expire on June 30, 1947, the end of the fiscal year, by the specific limitation contained in said act. I therefore advise you that the increased allowance for travel under the 1947 act may commence with the fiscal year beginning July 1, 1947.

ABRAHAM BREITBARD

Deputy Attorney General

May 28, 1947

To A. W. Perkins, Insurance Commissioner

This department acknowledges receipt of your memorandum of May 26th, wherein you ask the following question:

"Will you please inform me whether or not a Fire Inspector appointed in accordance with Section 21 of Chapter 85 of the Revised Statutes of 1944 may appoint a Deputy Fire Inspector and delegate such authorities to said Deputy Fire Inspector as are vested in the Fire Inspector by Sections 24, 25 and 27."

As we read the statute, we are of the opinion that the fire inspector may not appoint a deputy and delegate to him the authority to act under Sections 24, 25 and 27. It would seem, in the first place, that such authority is derived from the municipal officers, who may invest him with such authority in their discretion; and in view of this, I cannot see how he can delegate such authority.

So far as a deputy is concerned, I find no provision which allows the appointment of a deputy.

ABRAHAM BREITBARD

Deputy Attorney General

May 29, 1947

To David H. Stevens, State Assessor

Receipt is acknowledged of your memorandum of May 12, 1947.

In my opinion, the provisions of Chapter 349, Section 1, effective June 1st, which provide that 8 mills of the tax paid on fuel used in motor boats and not refunded under the provisions of Section 166, shall be paid to the Treasurer of State, to be available to the Commissioner of Sea and Shore Fisheries, relate only to fuel purchased on and after June 1, 1947, when this act becomes effective.

ABRAHAM BREITBARD

Deputy Attorney General