

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

and who maintains a regularly established place of business where stocks of cigarettes are kept for sale and whose sales are chiefly to other persons for resale."

In connection with this you state that your department is preparing new application forms for wholesale dealers' licenses, and you request my opinion in regard to the following question which you plan to print on said application:

"Will you sell at least 75 per cent of your cigarettes, cigars, and tobacco products to other persons for resale?"

You inquire if you have authority to set 75% of the applicant's sales as a minimum, or if this figure should be 51%, or some other amount, in order to determine whether their sales are "chiefly" at a wholesale rate.

In answer to your question I will say that the word "chiefly" in the clause, "whose sales are chiefly to other persons for resale," in the amendment, Chapter 130, P. L. 1947, means in law, "in the first place, principally, pre-eminently, above all, especially, for the most part, mostly, mainly." Our courts have decided in some cases, where people were required to be "chiefly" engaged in tillage of the soil, that if they devoted only about 50% of their time to it, they were not farmers within the federal act. Therefore in my opinion 75% of the sales would comply with the wording, "whose sales are chiefly to other persons for resale," and you have a right to set that percentage.

RALPH W. FARRIS
Attorney General

September 12, 1947

To Harland A. Ladd, Commissioner of Education
Re: Contracts for School Buses

Referring to your memo of September 5th, relating to time-purchases of school buses and requesting an opinion as to the legality of towns purchasing school buses to be paid for over a period of three years:

I refer you to Section 8 of Chapter 37, R. S., relating to the transportation of pupils, which provides that contracts for said conveyance may be made for a period not to exceed three years. I feel that that is broad enough to cover the purchase of school buses for the purpose of carrying out the provisions of this section.

As you well know, the law provides that in all cases the conveyance of children shall conserve their comfort and safety, shall be in charge of a responsible driver, etc., and if the selectmen and the superintending school committee see fit to purchase buses on conditional sales contracts for a period not to exceed three years, I think this would be well within their rights under Section 8.

RALPH W. FARRIS
Attorney General