

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

public use. The road is open to every traveler who has the same right to use it, by paying the toll established by the Authority, as he would have to use any other public highway. All provisions of Chapter 19 are applicable to this highway save one exception whereby "The Authority may by regulation prescribe a maximum limitation on the speed of vehicles using said turnpike . . . at any point or place thereon, and . . . to regulate the . . . weight of vehicles admitted to the turnpike." § 11(b), Ch. 69, P. & S. L., 1941. However, unless the Authority does regulate with respect to speed and weight, the provisions of Chapter 19 would be applicable.

2. This has been answered in part by the preceding answer; but in addition the State Police would have authority, if called upon to do so, to enforce such rules and regulations as the Authority may promulgate.

3. The State Police would be authorized under the provisions of law prescribing their powers and duties, to arrest all offenders who violate any criminal law of the State on this highway or who may be fugitives from another State while on this highway.

ABRAHAM BREITBARD

Deputy Attorney General

December 2, 1947

To Honorable Horace Hildreth, Governor of Maine

Re: North Berwick School District

The act creating the North Berwick School District, Chapter 59, P. & S. L. 1947, provided that it shall not take effect unless accepted and approved by a majority vote at a special election to be called or at a regular town meeting not later than three months after the effective date of the act. The act became effective on August 13th and thus acceptance should have been voted on at a town meeting to be held on or before October 13th.

Apparently such a town meeting was held and the act was voted down. Inquiry is now made whether the Governor and Council would have the authority to extend the three-month period. No such authority, of course, exists. The act for all purposes is dead and will have to be re-enacted at another session of the legislature in order to resubmit the same to the inhabitants.

I think I ought to say to you that the criticism made by the inquirer of his inability to obtain the act for any advice thereon has no foundation. The proof of this is that he is the only one who finds himself in that position, whereas of the large number of districts formed—water, sewer, school, and other quasi-municipal corporations—all the others were able to obtain the information so that their meetings were held in due course and their charters acted upon.

Shortly after the legislature adjourned this office had innumerable inquiries from various persons interested in the legislation enacted for the benefit of their towns, and they all received the desired information and any number of conferences were held in this office by attorneys representing various districts, as well as attorneys representing banks to which applications had been made to finance the bonds, etc. That the writer was not diligent is very evident from the fact that although he sponsored the bill, etc., he speaks of the 90-day period. Three months was the time fixed in the bill. There is a difference.

ABRAHAM BREITBARD

Deputy Attorney General