

MAINE STATE LEGISLATURE

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January 15, 1948

To Raymond T. Adams, Supervisor, Travel Bureau

I have your letter of January 8th in connection with the matter of insurance involving the State Travel Bureau. You state that the Insurance Commissioner has requested that you obtain an opinion from this office on this question, "Are privately owned vehicles operating in State service under the jurisdiction and control of the State?"

My answer to that question is that they are while in the service of the State under State mileage; but when the trip on State business is over, they are not under the jurisdiction and control of the State.

You further asked me this morning orally whether or not the last paragraph of Chapter 390, P.L. 1947, applies to the Departments of Inland Fisheries and Game, and Sea and Shore Fisheries.

My answer to those questions is in the negative. This amendment to Section 29 of Chapter 14 of the Revised Statutes does not apply to heads of departments and members of commissions who have been assigned cars by order of the Governor and Council. The last paragraph of Chapter 390, which amended Section 29 of Chapter 14, is a part of said section and cannot be separated from the section by implication.

You further inquire in regard to the last paragraph of said Chapter 390, P.L. 1947, as affecting certain inspectors of the State Liquor Commission who are obliged to engage in work in the enforcement of the State liquor laws where it would be a serious handicap to the efficient performance of their duties if their cars were designated so that violators of the liquor laws would immediately be apprized of their presence in a certain city or area for inspection purposes. In my opinion, in the interests of good law enforcement, from a public policy standpoint, you can use your discretion as to a certain few of these inspectors whose duties as State liquor inspectors require that their identity as State employees be not known.

You also requested me orally this morning in my office to advise you in regard to a certain member of the State Police who has been assigned to the Public Utilities Commission for the enforcement of the trucking laws of the State, who travels in plain clothes. It has been the policy of the State Police and the Commission to cooperate in the enforcement of the trucking laws of the State to keep the identity of this man concealed in most instances in the performance of his law enforcement duties in this regard. Therefore in the interests of public policy and law enforcement, he being a member of the Maine State Police assigned to specific duties, I would not require him to display a marker or insignia on his car while in the performance of these special duties to which he has been assigned by the Chief of the State Police.

Ralph W. Farris
Attorney General

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