

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1947 - 1948**

January 30, 1948

To William O. Bailey, Department of Education  
 Re: Hartland School District, Chapter 29, P. & S. L. 1947

I have your memo of January 27th, together with letter from Harvey B. Scribner, superintendent of schools, dated January 26th, in which he calls attention to the fact that the board of selectmen forgot to bring this matter before the town within the period stated in the emergency clause, and states that he had contacted Senator Ela, who had then contacted the Attorney General for a ruling which would give the town the legal right to vote acceptance of the school district at the next regular town meeting. . . .

As I advised Senator Ela over the telephone, inasmuch as the town did not accept the charter within the four months provided in Section 9 by the legislature, after the approval of the Act, the charter is ineffective and cannot be made effective until the legislature grants the town further time for a meeting to approve this Act. The legislature provided in Section 1 of Chapter 29 that this incorporation would be subject to the provisions of Section 9, and inasmuch as the voters did not take advantage of the provisions of said Section 9, the provisions of the charter have failed of approval within the specified time of four months.

Therefore it is my opinion that any action after the four-month period by the voters of the town would be of no effect and would prevent the district from securing funds for the purposes of the Act. . . .

RALPH W. FARRIS  
 Attorney General

February 4, 1948

To Col. Laurence C. Upton, Chief, Maine State Police  
 Re: CID Contract—Department of the Army

I received your memo of February 3rd, concerning our recent conversation relating to a contract between the State Police and the Department of the Army for the training and equipping of a Criminal Investigation Division within the State Police. At the time I talked with you, I had before me a form of a contract to be used between the State Police and the Department of the Army, which, as I stated at the time, met with my approval. You state that there is another question which you would like to have answered. In executing this contract with the Department of the Army, have you the authority to sign it in behalf of the State Police without obtaining an order from the Governor and Council?

In view of the fact that sub-paragraph VI of Section 1 of Chapter 13 provides that you shall make rules and regulations subject to the approval of the Governor and Council for the discipline and control of members of the State Police and for the examination and qualification of applicants for enlistment therein, etc., it is my opinion that you should secure an order from the Governor and Council authorizing you to execute this contract with the Department of the Army in behalf of the State Police and the State of Maine, so that there will be no question raised as to the legality of the program which you plan to institute with the Department of the Army under this proposed contract. . . .

RALPH W. FARRIS  
 Attorney General