

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1947 - 1948

March 4, 1948

To U. S. Immigration and Naturalization Service

This department acknowledges receipt of your letter concerning the status of a child born in England of an English mother who subsequently married in this State an American citizen who acknowledged that he was the father of the child and who, at the time of acknowledgment, was in the service of the U. S. Army, stationed in England. Your inquiry is whether, under our statutes, the subsequent marriage in this State and the fact that previously thereto the child's mother and father signed some documents in England, which you say were a birth record and an affidavit before a notary, would have the effect of legitimating the child.

Our statute does not legitimate the child, although the parties subsequently intermarry. "Only one objective is in the statute—heirship of intestate estates to and from illegitimates." *Crowell's Estate*, 124 Maine 71, 73. The right of inheritance only is dealt with by our statute.

We have no knowledge of the effect of the signing of the various documents before stated by the father and mother, in England. If the effect was to legitimate the child in England, it would have no such effect here. We find that while usually the status created in one country is recognized in every other, an essential element is that the father be domiciled in the country where the acts of legitimation take place. Since the father of this child was not domiciled in England, his acts in England cannot have the effect of legitimating the child here. *Irving vs. Ford*, 183 Mass. 448.

ABRAHAM BREITBARD
Deputy Attorney General

March 4, 1948

To Hon. Harold I. Goss, Secretary of State
Re: Northeast Airlines, Inc.

I have read the letter of Mr. R. H. Herrnstein, Assistant Treasurer of Northeast Airlines, Inc., to you, relative to Northeast Airlines, Inc., qualifying in this State as a foreign corporation. The question has arisen whether this corporation is a "public service company" within the provisions of Section 123 of Chapter 49, which excepts certain corporations from the operation of said section. You will notice that the corporations enumerated are banks, surety and safe deposit companies, insurance companies "or public service company." All of the former are corporations that are organized under some special act of the legislature or special provisions of the law relating to the organization of companies of that type.

In my opinion a public service company excluded from this provision would be a public utility organized by some special act of the legislature or by some special provision of law for the organization of a utility.

The documents submitted, when this company registered in a previous year, show that the corporation was organized under a general law with purposes which permit it to operate in enterprises that are purely private and not public. The fact that it carried passengers for hire, freight, and mail under contract would not be the criterion; but rather whether it was organized under a law which created it as a public utility.