

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**R E P O R T**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1949 - 1950**

"2. The possibility of the Attorney General's office representing the Board in so far as what state legal services might be necessary."

*Answer.* In reply I will again refer you to Section 1 of Chapter 17, which provides:

"The attorney-general shall appear for the state, the secretary of state, the treasurer of state, the bank commissioner, the insurance commissioner, the head of any other state department, and the state boards and commissions, in all suits and other civil proceedings in which the state is a party or interested, or in which the official acts and doings of said officers are called in question; . . . All such suits and proceedings shall be prosecuted or defended by him or under his direction."

"3. The Attorney General's opinion as to the eligibility of the Maine Maritime Academy to share in the distribution" under the terms of the bequest in the will of the late John McKee.

*Answer.* It is the opinion of the Attorney General that the Academy is eligible to share in the distribution under the terms of the will and may take such steps as are necessary to protect the interests of the State in any property which may come to the State through this State agency.

RALPH W. FARRIS  
Attorney General

February 25, 1949

To Gen. George M. Carter, the Adjutant General  
Re: Use of Armories for the Purpose of Procuring Recruits and General  
Morale Building for the National Guard

I acknowledge receipt of your memo of January 21st, which reached this office on January 24th and which presents a peculiar situation upon which your office must pass, as it does not seem to me that this matter is one for the Attorney General's office to decide, but rather one for the Adjutant General's office, as it appears to be an administrative matter relating to the activities of the National Guard in carrying on social functions for its own benefit as against operators of private dance pavilions who complain that the social activities of the National Guard are cutting into the attendance at the private dance halls from which the State of Maine derives no financial, military or social benefits.

In my opinion the courts would not restrain the activities of the National Guard in its own armory in its own locality, regardless of how the operators of private dance pavilions may feel about the matter. However, if the Guard officers desired to help any proprietor of a local dance pavilion in his business, they could change the night of their social dances; but in my opinion there is no legal necessity for so doing unless they deem it advisable as a matter of cooperation with the owners of dance halls. . . .

RALPH W. FARRIS  
Attorney General