

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

provides that no person, association, or corporation shall hold, conduct, or operate any harness horse race or meet for public exhibition, if pari mutuel betting is permitted, within the State without a license from the Commission. Section 15 provides for the sale of pari mutuel pools under such regulations as may be prescribed by said commission.

So it is my opinion that under Section 15 of the statutes the Commission has power to make such a regulation as relates to the pari mutuel pools, and therefore this regulation is legal.

RALPH W. FARRIS
Attorney General

June 27, 1949

To Marion E. Martin, Commissioner of Labor and Industry
Re: Chapter 374, P. L. 1949—Elevators

I have your memo of June 24th, stating that a question has been raised relating to Section 99-H, the first sentence thereof, the question being whether "authorized elevator inspectors" hold the authority to issue inspection certificates on the payment of a \$1 fee by the owner or user of the elevator.

The first paragraph of Section 99-H reads as follows: "Each elevator proposed to be used within this state shall be thoroughly inspected by either the supervising inspector, a state elevator inspector or an authorized elevator inspector, and if found to conform to the rules of the board, upon payment of the inspection fee where required and a registration fee of \$1 per year by the owner or user of such elevator to the inspector, the latter shall issue to such owner or user an inspection certificate. . ."

Section 99-B defines "State elevator inspector" and "authorized elevator inspector," but does not define a supervising inspector. In order to ascertain who the supervising inspector is and what his duties are we turn to Section 99-D, entitled, "Supervising and state elevator inspectors; how appointed." This section reads as follows:

"The commissioner shall appoint with the approval of the governor and council, and may remove for cause when so appointed, a citizen of the state qualified to fulfill the functions of the office to serve as supervising inspector, after he shall have successfully passed an examination prescribed by the board. The commissioner may appoint such state elevator inspectors as are necessary to carry out the provisions of sections 99-A to 99-Q, inclusive, from among applicants who successfully pass the examination."

Under Section 99-E the supervising inspector, under the direction of the Commissioner, is empowered under subsection V, "To issue, suspend, and revoke certificates allowing elevators to be operated; . . ."

Therefore in my opinion under Section 99-H, which contains the language you quoted, a registration fee of \$1 per year by the owner or user of the elevator to the inspector means the supervising inspector, as he is the only one who is authorized to issue, suspend and revoke certificates, even though the word "supervising" was omitted in the amendment to which you refer in your memo. Authorized elevator inspectors hold no authority to issue inspection certificates.

RALPH W. FARRIS
Attorney General