

# 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**

July 27, 1949

To Colonel Francis J. McCabe, Chief, Maine State Police

Your memo of July 26th received, stating that you have been requested by the State Personnel Board to assist them in the taking of finger prints of all State of Maine employees. You state that the authority for the State Police and the State Bureau of Identification to take finger prints is embodied in Chapter 13, Sections 13-20, inclusive, of the Revised Statutes of 1944. I will add to this that these sections were amended by Chapter 333 of the Public Laws of 1945.

You further state that the request by the Personnel Board has brought the following questions to your mind:

“(a) Does the Department of State Police have authority to take such fingerprints at the request of the State Personnel Board?”

*Answer.* There is no statutory authority for the State Police to take such finger prints at the request of the State Personnel Board.

“(b) If an employee refuses to be fingerprinted, what is the proper procedure for the officer to use?”

*Answer.* If a State employee refuses to be fingerprinted and anyone insists that he be fingerprinted, unless he falls within the classifications of Section 14 of Chapter 13, R. S., as amended by Section 2 of Chapter 333, P. L. 1945, which gives the State Police, sheriffs, police chiefs and other law enforcement officers authority to take or cause to be taken the fingerprint or photographs or both of any person in custody charged with the commission of crime, or of any person who they have reason to believe is a fugitive from justice, or of any suspicious person, or of any habitual criminal, he cannot be compelled to be fingerprinted under our present law.

RALPH W. FARRIS  
Attorney General

August 1, 1949

To Ermo H. Scott, Department of Education  
Re: Trust Funds

In reply to your memorandum with regard to the investment of funds of the Farmington State Teachers' College, you are advised that it is the opinion of this office that since these are State trust funds, they should be used only in accordance with the provisions of Section 14 of Chapter 15 of the Revised Statutes of 1944, as amended.

Therefore it would not be possible to invest these funds in real estate.

JOHN S. S. FESSENDEN  
Deputy Attorney General