

# 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**

September 21, 1949

To Honorable Frederick G. Payne, Governor of Maine  
Re: Provisions of Law Relative to Private Detectives

In accordance with a request from your office I am attaching hereto Section 14 of Chapter 131, R. S. 1944.

This section was amended by Chapter 2 of the Public Laws of 1945 by providing that the bond to be given by the licensee shall be executed by a surety company authorized to do business within the State and shall be on a form approved by the Insurance Commissioner and shall be filed with the State Auditor, instead of permitting a simple bond with two sureties approved by the Governor and Council.

The section was also amended by Chapter 26 of the Public Laws of 1949 by providing that the Governor and Council may license not exceeding 50 detectives instead of 35.

I do not see how any individual could operate a detective agency with any authority whatsoever, if he were not licensed in accordance with the provisions of law.

JOHN S. S. FESSENDEN  
Deputy Attorney General

September 22, 1949

To the Aeronautical Commission  
Re: Interpretation of Chapter 245, P. L. 1949

With your memorandum of September 20, 1949, you enclosed a copy of a letter which the Commission had received from the city manager of Bangor, Maine, raising the question whether the City of Bangor may be eligible to receive allotments from Commission funds for snow removal from Dow Field upon its de-activation by the Air Force. The question raised is whether in connection with the use of that airport by "itinerant planes," use may be limited to those planes having two-way radio, or whether this would so far restrict the use of the airport as to render the City of Bangor ineligible to receive such allotments.

Section 167 of Chapter 14, R. S. 1944, provides for allotments for snow removal for municipal, state and federal airports in such manner and in such amounts as the Commission deems equitable. This section was amended by Chapter 337 of the Public Laws of 1947, but in no manner altered the provisions with respect to the present question. Under the original provisions there would be no question, I believe, but that if the City of Bangor undertakes to operate and control Dow Field as a municipal project, it would be eligible to receive allotments. The question then is whether Chapter 245 of the Public Laws of 1949 so amends Section 167 of Chapter 14, R. S., as to affect the rights of the City of Bangor in connection with the use of that airport by itinerant planes.

Chapter 245 of the Public Laws of 1949 does not alter or amend the rights of the City of Bangor when that city undertakes to operate the airport as a municipal project and obligates itself to take care of the snow removal. Chapter 245 of the Public Laws of 1949 applies only to the extending of

allotments to commercial carriers operating on a regular schedule, to assist them in snow removal when the state, federal or municipal owner of an airport does not obligate itself to take care of snow removal. Chapter 245 does not involve aid to municipalities, but on the contrary aid to the commercial carriers themselves.

JOHN S. S. FESSENDEN  
Deputy Attorney General

September 22, 1949

To H. H. Harris, Controller  
Re: Mileage

You have asked whether Chapter 368 of the Public Laws of 1949, "An Act Relating to Automobile Travel by State Employees," authorizes the reimbursement to State employees effective at the beginning of the fiscal year at the rates prescribed therein, or becomes effective for reimbursement purposes only as of August 6, 1949.

I have examined Chapter 368 of the Public Laws of 1949 and also Chapter 396 of the Public Laws of 1947 concerning which latter chapter the identical question was raised. In connection with Chapter 396 of the Public Laws of 1947 the then Deputy Attorney General, Mr. Abraham Breitbard, addressed an opinion to you dated May 28, 1947, in which he stated that it was clearly the intention of the legislature to provide the increased allowance per mile to begin immediately after the expiration of the act which increased such allowance in 1945. Since the facts surrounding the enactment of Chapter 368 of the Public Laws of 1949 are identical with the facts concerning Chapter 396 of the Public Laws of 1947, upon which Mr. Breitbard expressed his opinion, his opinion not having been overruled, it serves as a precedent and may be followed in the administration of the provisions of Chapter 368 of the Public Laws of 1949.

If additional authority were necessary, I might point out that Chapter 396 of the Public Laws of 1947 included a second section limiting the force of that chapter to a period of two years. That chapter having become effective on August 13, 1947, its effect might be construed to continue to August 12, 1949. Chapter 368 of the Public Laws of 1949, repealing that chapter, became effective on August 6, 1949, and upon such construction there would obviously be no hiatus between the two enactments.

JOHN S. S. FESSENDEN  
Deputy Attorney General

September 22, 1949

To Col. William B. Williamson  
Re: "Theatrical Productions"

In response to your inquiry relating to the language of Chapter 440 of the Public Laws of 1949, which is an amendment to Section 39 of Chapter 121, Revised Statutes of Maine, which relates to recreation on the Lord's day, I will say that the amendment of 1949 included the exemption of musical concerts and theatrical productions. You inquired of me this morning whether that would include vaudeville productions.