

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

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.