

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

Accordingly, since Chapter 170 of the Private and Special Laws of 1949 shows upon its face no irregularities or violation of constitutional methods, since it was found deposited in the Secretary of State's office as required by law, since it was duly certified by the presiding officer of each House to have been properly passed, and since it was approved by the Governor, this law cannot be impeached by any irregularity touching its passage shown by the journal of either House.

JOHN S. S. FESSENDEN
Deputy Attorney General

October 13, 1949

To Col. Francis J. McCabe, Chief, Maine State Police
Re: General Investigative Activities of the State Police

In reply to your inquiry of October 13, 1949, wherein you request an opinion from this office as to the authority or availability of the State Police to investigate the administrative organization of personnel membership of a municipal police force, you are advised that a careful review of Chapter 13 of the Revised Statutes of 1944, being the chapter entitled "State Police" and the source of authority for the State Police, reflects that the State Police has neither the duty nor the right to undertake an investigation of this character.

This opinion should not be construed to mean that in the case of any specific criminal violation of law by a police officer employed by a municipality, the State Police should not perform their duty as in all other criminal cases. The opinion applies only to an investigation of a general nature of a municipal police organization.

I should also point out that I know of no appropriation available to the State Police as a source of funds for this purpose and would be extremely doubtful as to whether the Chief would be authorized to defray the salary or expenses of any man assigned to such work, in the absence of an appropriation.

JOHN S. S. FESSENDEN
Deputy Attorney General

October 31, 1949

To E. L. Newdick, Director Plant Industry, Agriculture
Re: Soil Conservation

In reply to your letter of October 12, 1949, relative to Section 10 of Chapter 29, R. S. 1944, you are advised that we have studied said Chapter 29 and have the following opinion:

Chapter 29, entitled, "Soil Conservation Districts," established a Soil Conservation Committee which handles the over-all administration at the State level of the soil conservation program enacted by the legislature. With-in this over-all program provision is made for the creation of Soil Conservation Districts. The method of organization, the powers of the districts, and of the supervisors thereof, clearly indicate that the districts themselves are not functionally a part of the State government as such, but are to carry out