

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

There is no question that under the provisions of Chapter 102, P&SL 1949 you have authority to approve a contract calling for an augmented tuition charge over and above the standard charge prescribed by the general laws, to help reimburse the Town of Brunswick for additional expense to which the Town of Brunswick is put in the alteration of any existing building. Whether or not the connecting of a structure to an existing high school building by a corridor or breezeway constitutes an alteration to an existing building would be a question of fact, in which all pertinent circumstances would have a bearing in determining whether the enterprise constituted an alteration or new construction. Since this is a question of fact, we are unable to advise you whether, as a matter of law, the connection by a corridor or breezeway would constitute an alteration within the meaning of the statute.

JOHN S. S. FESSENDEN
Deputy Attorney General

May 5, 1950

To Col. Francis J. McCabe, Chief, Maine State Police
Re: Motor Vehicle Inspection

I acknowledge receipt of your memo of May 3d, in which you ask for an interpretation of Paragraph 5 of Section 35, Chapter 19, R. S., relating to the inspection of motor vehicles. This statute reads as follows:

"No dealer in new or used motor vehicles shall permit any such vehicle owned or controlled by him to be released for operation upon the highways until it has been inspected as herein provided and a proper sticker certifying such inspection placed thereon. If such vehicle bears thereon a certificate showing a prior inspection, the same shall be removed. The provisions of this paragraph shall not apply to sale of vehicles as junk or to those which are to be repaired and put into condition so as to pass inspection by the purchaser thereof."

It seems to me, after reading this paragraph of Section 35, that the intent of the legislature is very clear. When a used-car dealer takes a motor vehicle in trade with the inspection sticker thereon obtained by the previous owner, he must remove said sticker and have the car reinspected under the provisions of this statute before the car is again put on the road. In other words, the certificate of the previous owner is not sufficient in the case of a dealer in new and used cars.

RALPH W. FARRIS
Attorney General

May 9, 1950

To Brig.-Gen. George M. Carter, The Adjutant General
Re: Plane Insurance

With reference to your memorandum of April 14, 1950, relative to the study that has been made as to insuring against bodily injury and property damage which may result from the operation of aircraft flown by Maine Air National Guard pilots, you are advised that the Attorney General and I have conferred on the problem and that he has suggested that I write you along the following lines: