

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

R E P O R T

OF THE

ATTORNEY GENERAL

for the calendar years

1949 - 1950

that in the Uniform Act as well as in the State law, the standards are not definitely imposed, but on the contrary it is merely stated that "the court * * * shall consider the standards * * *." Whether or not the fact that the court is directed to give consideration to standards set up by a foreign agency would render the legislation invalid is a question that I am unable to answer, as it is a matter that would have to be determined by the Supreme Judicial Court of Maine in a case properly before that court.

JOHN S. S. FESSENDEN
Deputy Attorney General

December 7, 1950

To Fred M. Berry, State Auditor

Re: Chapter 290, P. L. 1947, Witness Fees; Police Officers' Fees

I have your memo of December 5th, relating to Chapter 290, P. L. 1947, which you quote in full. You will note the language of the statute is: "to be paid after recovery by the county treasurer upon approval of the county commissioners to the municipality employing such police officer or constable."

Therefore it is my opinion that the county does not have to pay the municipality unless the costs taxed for the complainant are recovered.

This does not apply to State Police in highway matters. It refers only to cities, towns, and plantations.

In view of the fact that this statute refers to police officers and constables who are paid a salary or are on a per diem basis by the city, town or plantation, it is not the intent of the legislature for counties to pay to municipalities costs which they never recovered. That is the reason why this language was inserted: "to be paid after recovery."

RALPH W. FARRIS
Attorney General

December 7, 1950

To James T. Ross, Chairman, Board of Registration, Old Town

I have your letter of December 6th in reply to mine of December 1st, relating to the questions of residents of Indian Island voting in Old Town city elections. You enclosed a copy of a letter to the former board of registration dated March 29, 1921, written by R. W. Shaw, then Attorney General, in which he referred to Section 74 of Chapter 7. You state that, to your knowledge, there has been no change in the status of Indian Island since that time.

In reply I wish to state that the section of law mentioned by former Attorney General Shaw in the Revised Statutes of 1916 was included in the Revision of 1930 as Section 76 of Chapter 8, and that the legislature in 1937 repealed part of this act under the provisions of Chapter 209 of the Public Laws of 1937, which was entitled, "An Act to Extend Suffrage to Qualified Voters in Unorganized Territory." You will find this Act now, as amended, in Section 64 of Chapter 5 of the Revised Statutes of 1944, which cites the